

IMPOUNDED TRANSCRIPT

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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

DISTRICT COURT DEPARTMENT  
OF THE TRIAL COURT

\*\*\*\*\*  
IN RE: INQUEST INTO THE DEATH \*  
OF BRENDAN REILLY \* 2227IN000001  
\*\*\*\*\*

RE: INQUEST  
(ENTIRE TRANSCRIPT IMPOUNDED)  
DAY 2  
BEFORE THE HONORABLE MICHAEL D. BRENNAN

APPEARANCES:

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(Appearances continued on page 2.)

Concord, Massachusetts  
Courtroom 2  
December 15, 2022

Court Transcriber: Lisa Marie Phipps, Certified Shorthand  
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1 P R O C E E D I N G S

2 (Court called to order.)

3 (9:01:32 a.m.)

4 THE COURT OFFICER: The Honorable Michael  
5 Brennan is presiding.

6 You may be seated.

7 THE CLERK: Good morning, your Honor.

8 THE COURT: Good morning.

9 THE CLERK: Today is December 15, 2022.

10 On the record resuming with the Inquest  
11 into the Death of Brendan Reilly, Reilly  
12 2227IN01.

13 MR. VAN EPPS: Good morning, your Honor.

14 THE COURT: Good morning.

15 MR. VAN EPPS: Graham Van Epps for the  
16 Commonwealth.

17 MS. GEMMILL: Good morning, your Honor.  
18 Caitlin Gemmill for the Commonwealth.

19 THE COURT: Good morning.

20 Are we ready to proceed?

21 MR. VAN EPPS: Yes.

22 When we broke yesterday afternoon, I had  
23 indicated I was going to offer the CAD sheets --

24 THE COURT: Yes.

25 MR. VAN EPPS: -- along with the 911

1 call. I think the 911 call is Exhibit 11.

2 THE COURT: The 911 call was Exhibit 11.

3 MR. VAN EPPS: Okay. And there was a  
4 transcript --

5 THE COURT: And there was a transcript  
6 that was B, so I'm assuming this would be 11C?

7 MR. VAN EPPS: C and D.

8 THE COURT: C and D?

9 MR. VAN EPPS: There was a 911 -- there's  
10 a police and a fire CAD form.

11 THE CLERK: 11C and 11D.

12 11C, your Honor, is going to be -- let me  
13 see if I can point it -- D-1 marked with the  
14 incident number ending in 544, and the incident  
15 ending in 1622 is 11D, as in delta.

16 THE COURT: All right.

17 (Exhibit No. 11C, CAD sheet, received  
18 into evidence.)

19 (Exhibit No. 11D, CAD sheet, received  
20 into evidence.)

21 MR. VAN EPPS: And Commonwealth calls Kim  
22 Cunningham.

23 THE COURT: Okay.

24 MR. VAN EPPS: Kristina Cunningham.

25 THE COURT: Okay.

1 THE COURT OFFICER: (Inaudible) right  
2 here.

3 Raise your right hand; face the clerk.

4 THE CLERK: And do you solemnly swear or  
5 affirm that the testimony you will provide the  
6 Court today will be the truth so help you God?

7 THE WITNESS: I do.

8 KRISTINA CUNNINGHAM, SWORN

9 THE COURT OFFICER: Let me direct you to  
10 a seat right there.

11 THE WITNESS: Thank you.

12 EXAMINATION

13 BY MR. VAN EPPS:

14 Q. Good morning.

15 A. Good morning.

16 Q. Can we have your full name, and could you  
17 spell it for our court reporter, please?

18 A. Sure.

19 Kristina Marie Cunningham, K-R-I-S-T-I-N-A,  
20 M-A-R-I-E, C-U-N-N-I-N-G-H-A-M.

21 Q. Thank you.

22 And, ma'am, do you live in the Town of  
23 Lexington?

24 A. I do.

25 Q. On what road?

1 A. 15 Dexter Road.

2 Q. And are you familiar with the area around the  
3 rotary that's near the Diamond Middle School that  
4 connects Hancock, North Hancock, Burlington, and,  
5 I think, Hamilton?

6 A. I am. My children went to Diamond Middle  
7 School, and I walk in Willard's Woods multiple  
8 times per week and move through that  
9 intersection.

10 Q. I'd like to ask you some questions about  
11 the -- about February 12th of this year.

12 Was there a time that day where you ended  
13 up going to that area of the rotary?

14 A. Yes.

15 My parents and I took a walk in Willard's  
16 Woods and walked through that rotary.

17 Q. Okay. And how did you approach it, from what  
18 road?

19 A. We approached from the north side of North  
20 Hancock Street, so down the hill from our home  
21 towards the middle school.

22 Q. Okay. As you did that, did you -- did you  
23 become aware of any sounds that drew your  
24 attention?

25 A. Yes.



1           As we came to approach the intersection,  
2 we heard some noises of a disagreement happening,  
3 a little bit past the rotary intersection, that  
4 were coming from a driveway attached to a house.

5       Q.   Was that the second house in from the rotary  
6 on North Hancock --

7       A.   Correct.

8       Q.   -- Hancock?

9           What could you make out in terms of, you  
10 know, where the voices were coming from?

11       A.   They were in the -- in the driveway, the  
12 mid to the lower part of the driveway.

13           There's a detached garage, and the voices  
14 were in between where the house sits on the  
15 property and where the detached garage sits, so  
16 it was actually happening in the -- in the  
17 driveway.

18       Q.   How many voices did you hear?

19       A.   Hard to distinguish at that point.  It was  
20 noises, you know, of anger, at least --  
21 definitely more than one individual.

22       Q.   Could you make out words?

23       A.   No.

24       Q.   Okay.  But you characterize it as a  
25 disagreement based on the tone and --

1 A. Absolutely. They were elevated voices.

2 Q. Okay.

3 Could you see any figures or you're just  
4 hearing voices from (indiscernible)?

5 A. We can see the heads of two individuals.

6 There's a five-foot picket fence that  
7 separates the driveway of the home from the  
8 driveway of the adjacent home, and so the  
9 individuals were sufficiently tall that I could  
10 see sort of bobbing heads at -- you know, in that  
11 position between the house and the driveway.

12 Q. Okay. And the house -- the fence separates  
13 the house or the yelling where the argument is  
14 coming from from the house on the corner?

15 A. Correct.

16 Q. So you're with your parents?

17 A. Correct.

18 Q. And so what did you and your parents do at  
19 that point?

20 A. So we -- we were approaching the -- the  
21 circle.

22 It's a somewhat complicated roundabout  
23 with multiple entry-exit points, so we observed  
24 that there was a police car on Hamilton Street,  
25 which is the first exit-entry road to the circle

1 from the direction that we were approaching.

2 We also observed another police car on the  
3 road, the entry road, to the Diamond Middle  
4 School, and at the end of the driveway associated  
5 with the -- the second house over, there was a  
6 tall gentleman standing at the end of that  
7 driveway.

8 And as we, you know, approached, I would  
9 say I had some concern regarding the appearance  
10 of -- of that individual.

11 Q. The tall person?

12 A. Yes, at the very end of the driveway.

13 He was standing on the sidewalk, the end  
14 of the driveway, just observing the situation.

15 Q. And so what happens after that?

16 A. So my mother had moved several paces ahead of  
17 my father and I.

18 And she was coming very close to  
19 interacting with the individual at the end of the  
20 driveway; whereas, my father and I turned to use  
21 the crosswalk, there's an established crosswalk  
22 across North Hancock, so we had moved to cross  
23 the street.

24 And as my mother got closer to this  
25 individual, I would say I was concerned at her

1 approaching. His appearance was a little  
2 rough-and-tumble.

3 And so I called out to my mother to join  
4 us on the crosswalk, that we were, in fact, not  
5 going in the direction that she was heading, but  
6 going towards the Diamond Middle School.

7 My parents are not from this area, so  
8 they're not as familiar with, you know, the --  
9 the direction.

10 Q. So then what happens after that?

11 A. So we -- my father and I crossed the street.  
12 My father's ahead of me. I am at the -- kind of  
13 the midpoint of crossing the street. There's a  
14 tiny little island on that road.

15 I called to my mother. She turned back to  
16 me and starts crossing the intersection.

17 I heard scuffling noises behind me; turned  
18 around to observe the situation, and saw another  
19 individual running within -- I would say within  
20 five feet of -- right behind my mother, running  
21 diagonally across the intersection.

22 Q. Was that -- was that different than the  
23 person that you had seen earlier standing in the  
24 front?

25 A. Yes.

1 Q. Okay. The person who was standing in the  
2 front of that house, do you know if that person  
3 had been smoking a cigarette or not?

4 A. I did not observe any (inaudible) like that.

5 Q. So the person who then ran, what can you  
6 tell us about that person's appearance and  
7 (inaudible)?

8 A. My recollection was that they were not as  
9 tall as the individual at the end of the  
10 driveway, and that they were wearing some sort of  
11 khaki-brown colored pants, sort of loose on the  
12 hips, baggy clothing, and ran, yeah, diagonally  
13 across behind -- behind where my mother was  
14 walking across the street.

15 Q. How close did he get to your mother when he  
16 ran?

17 A. Within, like, it was close, like, five --  
18 within, like, five feet behind her.

19 Q. Okay. And you're describing the person as  
20 running.

21 Where does he run to?

22 A. He runs diagonally across the -- the  
23 roundabout from the end of the driveway where the  
24 individual is standing, diagonally across the  
25 roundabout and ends up -- there's a -- I think

1 it's a -- it's some sort of a center or a home  
2 that has some play equipment in the back of it.

3 It's right at the very end of the -- the  
4 road to the Diamond Middle School.

5 Q. So you're watching this from one side of the  
6 rotary; you're with your -- your parents are with  
7 you.

8 Do you see anybody else come running  
9 along?

10 A. Yes.

11 Before -- before I saw the individual  
12 running across the street, I did observe a police  
13 officer coming around the front side of the home  
14 from the -- as I was standing, he came from  
15 the -- the left side of the house towards the  
16 driveway.

17 He kind of ran around the front of the  
18 house. I think that was the first real moment  
19 that we thought that there was something sort of  
20 unusual happening here.

21 We don't often see police officers in our  
22 neighborhood, and so that certainly made my --  
23 brought my level of, like, awareness up at that  
24 point, that something was kind of going on.

25 I'm sorry, the question again?

1 Q. And was that officer alone or with other  
2 officers?

3 A. I just saw one officer at that point.

4 Q. Could you tell what that officer was  
5 carrying?

6 A. No, I didn't see anything.

7 Q. Okay.

8 A. And the -- following the individual crossing  
9 behind my mother, I did observe a police officer  
10 carrying a large weapon, a large black weapon  
11 with two hands.

12 Q. This is the second officer?

13 A. Correct. This is the second officer.

14 I couldn't tell you because I was turning  
15 back and forth to cross and then communicate with  
16 my mother, so I can't tell you whether those were  
17 the same officer or two different officers, that  
18 I don't know.

19 Q. And so where did they go?

20 A. They were following the individual who had  
21 crossed the street behind my mom.

22 Q. Okay. Is there a point where they all sort  
23 of stop and are together?

24 A. Yes. They kind of all gathered.

25 The -- the individual in question and at

1 least two officers were all associated in  
2 front of that -- the home that's on the corner of  
3 Grove -- is it Grove, Burlington, and the Diamond  
4 Middle School path.

5 Q. Okay. And so what happens after that  
6 (inaudible)?

7 A. So my mom and I had -- our awareness of the  
8 situation had taken a step up -- was there -- and  
9 so we had stepped behind -- there are two large  
10 trees, and so we had each sort of assumed a  
11 position behind each of the two trees.

12 My mom was the tree closer to the -- to  
13 the roundabout; I was the tree that was a little  
14 bit further away.

15 And across the Diamond Road, the Diamond  
16 path, we saw the police officers interact with  
17 the individual.

18 He was on the ground on his bum, sort of  
19 with his sort of feet almost in the air, and the  
20 officers were yelling to him to drop the gun.

21 Q. And were you able to see -- well, let me  
22 withdraw that.

23 As you're watching this, are they -- how  
24 are they positioned in your line of sight?

25 Are you watching them in profile?



1           Is there somebody who was closer to you  
2 than others?

3           Can you describe (indiscernible)?

4           A. The officer that ran with the large gun was  
5 in profile to me.

6           And, yeah, I was -- I would say everyone,  
7 there was -- there was one point when the  
8 individual in question was -- was on the ground  
9 where he was facing me face-to-face, and the  
10 officers, as I recall, were on either side of  
11 him, so most of it was in -- was in profile to  
12 me.

13          Q. And could you hear any -- any other  
14 instructions being given, aside from the one you  
15 already described?

16          A. That was the main one.

17                 It was elevated, multiple -- multiple  
18 rounds of, Drop the gun.

19          Q. Did you hear any responses coming back?

20          A. No.

21          Q. And so what did you do after that?

22          A. So I was encouraging my mother to, you know,  
23 further remove herself from the situation and --  
24 and come -- and come closer to me to just get  
25 away.

1           At the point where the individual was on  
2 the ground and the officers were on either side  
3 of him, I assessed the situation as being under  
4 police control.

5           And at that point said to my mother, you  
6 know, Let's -- let's leave, let's, you know,  
7 remove ourselves from the situation.

8           My mother joined me initially at the tree  
9 that I was standing behind, and then the two of  
10 us joined my father, who had continued down the  
11 path towards Diamond Middle School.

12 Q.   And are you -- can you hear anything else as  
13 you're sort of moving away from the rotary?

14 A.   At about halfway down the path to Diamond  
15 Middle School we heard a round of -- of firing,  
16 of shots, and then -- and several -- several  
17 shots.

18           And then when we -- we met at the --  
19 almost -- almost at the Diamond kind of parking  
20 lot area, we met up with friends of ours, the --  
21 Liz Booma (phonetic) and her daughter.

22           And they were walking their dog, and so we  
23 were kind of relaying what we had just witnessed  
24 to them, we were, you know, kind of talking for a  
25 little bit, and then we heard an additional round

1 of -- of shots, multiple shots.

2 Q. Did those sound the same or something  
3 different than the prior grouping of shots you  
4 heard?

5 A. I -- I have no experience with guns, so I  
6 can't provide that information.

7 Q. Do you know whether they were louder or  
8 quieter?

9 A. I can't -- I can't say.

10 Q. Okay.

11 A. To me it was just shots.

12 Q. Do you know how many you heard?

13 A. I don't know the exact number, but it was --  
14 it was in multiple groupings of shots multiple  
15 times.

16 Q. When you had last seen the officers and the  
17 man on the ground, were you able to get a sense  
18 of how close or far they were from each other?

19 A. They were close. The -- the officers were,  
20 you know, within two feet of the individual. He  
21 was on the ground on his bum.

22 They were -- you know, looming is a strong  
23 word, but they were standing next to him, you  
24 know, within that, you know, two to three feet.  
25 The situation seemed under control to me.

1 Q. By the time you left the rotary, had more  
2 officers come to the scene?

3 A. Yes.

4 Q. Do you have a sense of how many in total were  
5 there?

6 A. At that point there were the two vehicles --  
7 police officer vehicles -- that were there when  
8 we entered the rotary.

9 And then, while the situation was  
10 developing, there was probably an additional two  
11 or three vehicles.

12 One pulled into the Diamond Road near us,  
13 and then there were additional vehicles that were  
14 pulling up on North Hancock, near the Victory  
15 Gardens housing complex.

16 Q. As the man had run past you and had gotten to  
17 where you ultimately saw him in the rotary, were  
18 you able to observe that man's hands?

19 A. No.

20 Q. How long -- you described hearing shot-like  
21 noises at some point after you leave the rotary  
22 and move down the road towards the Diamond Middle  
23 School.

24 Do you have a sense of how long after that  
25 occurred, time-wise?

1 A. It's a short road from the rotary to the  
2 middle school. We were approximately halfway. A  
3 minute.

4 MR. VAN EPPS: I have nothing further,  
5 your Honor.

6 MR. MCDONALD: No questions.

7 THE COURT: Mr. Heineman?

8 EXAMINATION

9 BY MR. HEINEMAN:

10 Q. Good morning, ma'am.

11 A. Good morning.

12 Q. I just have a couple quick follow-up  
13 questions, if I could.

14 A. Sure.

15 Q. We were provided with a copy of a police  
16 report.

17 You were interviewed by the Lexington  
18 Police shortly after?

19 A. That's correct.

20 Q. Before the man ended up on his bum, did you  
21 hear any shots fired?

22 A. No.

23 Q. The report written by the police reports that  
24 you said the following, and I want to ask you if  
25 it's accurate or not.

1           It says, I then heard several shots fired;  
2 then saw the individual that was running towards  
3 the temple lay on his bottom, and his upper body  
4 was upright, and two officers on either side of  
5 him within five feet of him.

6           So is that accurate or not accurate?

7           A. It's possible. It was February. Yeah.

8           I mean, there were several rounds of  
9 shots. I would say if I gave that statement  
10 within a few days of the occurrence that would be  
11 more accurate in terms of the timeline of  
12 remembering the details.

13          Q. Okay. And that's fair.

14                 So it's possible that there were some  
15 shots fired right before the man went to the  
16 ground?

17          A. Possible.

18          Q. Okay. And -- and the -- the words that you  
19 heard the police saying to this person in a loud  
20 voice was, Drop the gun, Drop the gun, Drop the  
21 gun?

22          A. Correct.

23          Q. And I think I got this from your testimony,  
24 but when you and your mom stopped behind those  
25 trees, your dad continued on a little bit down

1 Diamond?

2 A. That's correct.

3 Q. And so, based on your understanding, your dad  
4 didn't see this interaction?

5 A. No. His back was turned; he was walking.

6 Q. And so during the time the interaction was  
7 going on, were you trying to communicate with  
8 your mother and look at what was going on both  
9 simultaneously?

10 A. Yes.

11 Q. All right. Thank you very much.

12 A. Sure.

13 MR. HEINEMAN: And, your Honor, I just  
14 didn't know if you wanted to give the same  
15 cautions you gave yesterday.

16 THE COURT: Yes. Thank you.

17 So, ma'am, this is a -- an inquest is  
18 basically a closed, secret proceeding -- not  
19 secret in the sense that nobody knows that it's  
20 happening, except the people that are here.

21 At some point when the inquest is  
22 concluded, I'm going to generate a report making  
23 findings.

24 I can't order you not to talk about this  
25 with anyone; but what I'd ask is that if you

1 could refrain from discussing your testimony  
2 until, of course, you learn, or you find out, the  
3 report has been generated at some point,  
4 hopefully not in the too distant future.

5 Like I said, I can't order you not to do  
6 that, but I'd ask you not to do that.

7 THE WITNESS: Absolutely.

8 THE COURT: Thank you very much.

9 THE WITNESS: Sure.

10 THE COURT: Thank you, Mr. Heineman.  
11 You're all set.

12 THE WITNESS: Okay.

13 THE COURT: Thank you.

14 (Witness excused.)

15 MR. VAN EPPS: I would just offer as the  
16 next exhibit the -- Kristina Cunningham  
17 (inaudible) police (inaudible) report.

18 THE CLERK: Exhibit 17, your Honor.

19 THE COURT: Thank you.

20 (Exhibit No. 17, Cunningham police  
21 report, received into evidence.)

22 MR. VAN EPPS: Your Honor, if the medical  
23 examiner's here, she would be next.

24 THE COURT: That's fine.

25 MR. VAN EPPS: And I would just ask for



1 a -- I know we just got started, but, like, a  
2 five- or ten-minute recess before we call her.

3 THE COURT: That's fine.

4 And just -- again, I just want to  
5 reiterate. There's going to be some very  
6 difficult --

7 UNIDENTIFIED SPEAKER: Yeah.

8 THE COURT: -- information that's going  
9 to come out. I'm not saying you can't stay. If  
10 it were me, I'd rather not, so, but I'll leave  
11 that up to you all, okay?

12 MR. HEINEMAN: Thank you, your Honor.

13 THE COURT OFFICER: Court. All rise.

14 Court will be in recess.

15 (9:25 a.m. court in recess.)

16 (9:46 a.m. court resumes.)

17 MR. VAN EPPS: Your Honor, the  
18 Commonwealth calls Dr. Capo Martinez.

19 THE COURT OFFICER: Raise your right  
20 hand; face the clerk.

21 THE CLERK: Ma'am, do you solemnly swear  
22 or affirm that the testimony you'll provide the  
23 Court today will be the truth so help you God?

24 THE WITNESS: I swear.

25 MARIA CAPO MARTINEZ, SWORN

1 THE COURT: Good morning, Doctor.

2 MR. VAN EPPS: Morning.

3 THE WITNESS: Morning.

4 THE COURT: And, Doctor, just before we  
5 get started, I've been giving everybody the  
6 same -- or making the same request of everyone.  
7 Just because it's an inquest, I'd ask that you  
8 not discuss the -- your testimony unless you have  
9 to, with other members of the office or DA's  
10 office, until a report is generated.

11 THE WITNESS: Okay.

12 THE COURT: All right.

13 EXAMINATION

14 BY MR. VAN EPPS:

15 Q. Good morning.

16 A. Good morning.

17 Q. Could we have your full name and could you  
18 spell it for our court reporter, please?

19 A. Yes. First name is Maria Del Mar, M-A-R-I-A,  
20 D-E-L M-A-R, last name is Capo Martinez, that's  
21 C-A-P-O M-A-R-T-I-N-E-Z.

22 Q. Okay. And what do you do for a living?

23 THE COURT: There's no way you fit that  
24 on one line.

25 THE WITNESS: It's really hard.

1 (Laughter.)

2 BY MR. VAN EPPS:

3 Q. (Indiscernible), it's not going to work for  
4 you.

5 A. I always have problems.

6 I'm sorry, what was the question?

7 Q. What do you do for a living?

8 A. I'm a medical examiner for the Commonwealth.

9 Q. How long have you held that position?

10 A. Five years.

11 Q. Okay. And so you work at the -- the OCME  
12 office in Boston?

13 A. Yes, I work at the Boston office.

14 Q. Okay. And could you tell me about your  
15 educational background that led you to that  
16 point?

17 A. Sure. I have a bachelor's degree in biology  
18 from the University of Puerto Rico. That was  
19 four years.

20 And I did four years medical school at  
21 Universidad Central del Caribe, also in Puerto  
22 Rico.

23 Then I pursued a surgical pathology  
24 residency at the Stony Brook University Hospital  
25 in New York, and then I did a year-long

1 fellowship for forensic pathology at the Boston  
2 office, actually, and then I stayed on as a  
3 physician there.

4 Q. Okay. And what is "pathology"?

5 A. "Pathology" is just the study of disease and  
6 how it affects the body.

7 Q. And do you hold any board certifications?

8 A. I do.

9 I'm board-certified in surgical pathology,  
10 and I'm also board-certified in forensic  
11 pathology.

12 Q. Okay. And in terms of examining deceased --  
13 deceased bodies, you've done an autopsy before?

14 A. Yes.

15 Q. Approximately how many times?

16 A. Anywhere in the 2,000s.

17 Q. Okay. Somewhere in the 2,000s?

18 A. Yes.

19 Q. And have any of those involved gunshot  
20 wounds?

21 A. Yes.

22 Q. Can you give us an approximate idea how many?

23 A. Roughly, off the top of my head, I -- I do  
24 quite a few every year, so maybe 100 to 200 of  
25 those.

1 Q. Okay. And within the Office of the Chief  
2 Medical Examiner, how are the -- can you give us  
3 an idea of how the cases are assigned to which --

4 A. Doctors?

5 Q. -- physicians to -- to do the examination?

6 A. On a daily basis, our chief medical examiner  
7 reviews every case that's in the state, and then  
8 she gives out assignments.

9 We all get a little bit of everything, you  
10 know.

11 Some days we have easier caseload; some  
12 days we have harder caseload.

13 There's no particular reason why she  
14 assigns a case to a particular person --

15 Q. Okay.

16 A. -- in most cases.

17 Q. And I used the term earlier in my question,  
18 but what is an autopsy?

19 A. An "autopsy" is the examination of a body,  
20 usually to determine the cause of death.

21 Q. Okay. And when you -- when you do an autopsy  
22 and make whatever observations you do during  
23 that, do you ultimately document that in some  
24 fashion?

25 A. We do.

1           Everything gets documented via photos,  
2 handwritten notes, on diagrams, or any other sort  
3 of paperwork, and then everything gets sort of  
4 put together in a coherent way into our report.

5 Q. Okay. And, ultimately, that report is  
6 finalized and it's issued by you?

7 A. Yes.

8 Q. Okay. What is the procedure you follow when  
9 you conduct an autopsy, in particular, of gunshot  
10 wounds?

11 A. So the procedure is pretty much similar for  
12 any case.

13           An autopsy, we like to say it's divided in  
14 three parts.

15           One is the review of the chart, that may  
16 be X-rays, police reports, medical records,  
17 witness statements, if that's available.

18           Another part would be the actual physical  
19 aspect of the autopsy, which would be, first, an  
20 external examination, where you document any  
21 injuries to the body, as well as any natural  
22 disease on the body.

23           So if there's gunshot wounds, you document  
24 those; if there is bruising, you document that,  
25 if there's a rash, you would document that as

1 well.

2           And then the third part would be the  
3 internal examination of the body, so if there's  
4 gunshot wounds, you document any injuries to the  
5 internal organs; you document direction of the  
6 trajectory through the body of that particular  
7 projectile; you also document any natural  
8 disease, so if they have cirrhosis of the liver  
9 or any -- any other illness on the inside of the  
10 body.

11           And then you sort of kind of go back to  
12 the first part of where you review the chart  
13 again before you do determination of cause and  
14 manner.

15           You review, again, your documentation,  
16 your x-rays, your outside-of-the-agency reports  
17 that get provided to us.

18 Q. Okay. And as part of your -- when you do  
19 the -- the internal portion of the autopsy, that  
20 you're opening up the body, what do you -- do you  
21 examine the individual organs and things like  
22 that as well?

23 A. Yes.

24           Everything gets examined. All the  
25 internal -- all the internal organs, as well as

1 the brain.

2 Q. Okay. And did you perform an autopsy on  
3 February 13, 2022, on the body of Brendan Reilly?

4 A. Yes.

5 Q. And before you wrote your report as  
6 you're -- as you're doing the autopsy procedure,  
7 were you making any handwritten notes of your  
8 observations?

9 A. Yes, that's part of every -- every case I do.

10 So we have different types of body  
11 diagrams provided to us. We choose the ones we  
12 want to use.

13 Most of the time we use one where you see  
14 the body -- the front part of the body, and the  
15 back side of the body.

16 That diagram also has notes on the back  
17 for organ weights and additional notes that you  
18 may want to take.

19 Q. Okay. And have you brought a copy of your  
20 notes and your report with you?

21 A. I did.

22 I brought my autopsy report, my body  
23 diagram notes, and my regular paperwork notes.

24 Q. Okay. I've shown these to counsel.

25 What I would propose to do, your Honor, is



1 mark the report and the body diagram notes as  
2 exhibits, and the Court can refer to those while  
3 the doctor refers to her originals.

4 MR. MACDONALD: No objection.

5 THE COURT: Thank you.

6 THE CLERK: The diagram will be No. 18,  
7 and the report No. 19.

8 (Exhibit No. 18, Autopsy diagram,  
9 received into evidence.)

10 (Exhibit No. 19, Autopsy report, received  
11 into evidence.)

12 MR. VAN EPPS: (Inaudible.)

13 THE COURT: Thank you.

14 BY MR. VAN EPPS:

15 Q. What I'd like to do, Doctor, is go through  
16 just your initial observations of the body before  
17 getting to the specific injuries you observed.

18 Does that make sense?

19 A. Yeah.

20 Q. Can you tell us from your -- from your  
21 general notes about the body the -- the -- what  
22 you observed about the height and weight of the  
23 individual?

24 A. Yeah. So this gentleman was five foot,  
25 ten -- measured at the autopsy -- and 204 pounds.

1 Q. And was he identified as being 37 years of  
2 age?

3 A. Yes.

4 Q. And a white male?

5 A. Yes.

6 Q. Okay. Can you describe, first of all, the  
7 injuries that you observed which you described in  
8 your report and your notes as gunshot wounds?

9 A. Yes.

10 So this particular gentleman had three  
11 gunshot wounds -- two to the chest, one to the  
12 abdomen.

13 Those are the ones that are the -- just  
14 the gunshot wounds.

15 Q. But there are also, I believe you described,  
16 as a penetrating -- fifth penetrating wound to  
17 the back of one leg?

18 A. Yes.

19 Q. Okay.

20 A. But that's from a different type of  
21 projectile.

22 Q. Okay. So let's start with the one that's on  
23 your notes as No. 1.

24 A. Okay.

25 Q. Did you, during the course of your autopsy,

1 examine that injury?

2 A. Yes, I did.

3 Q. Can you tell us your observations?

4 A. So this particular wound -- so we always  
5 assume that the body -- the way we describe our  
6 notes is in regards to the body is as if they're  
7 standing facing forward with the palms at the  
8 side of the body facing forward as well.

9 So the first or the -- not the first,  
10 but the wound labeled No. 1 was located 28  
11 centimeters below the top of the head and 9.3  
12 centimeters to the right of midline, so about  
13 this area.

14 It was a one point by -- 1.0 by 0.8  
15 centimeter round defect, and it had a little bit  
16 of an abrasion around the margin.

17 Q. What does that mean?

18 A. It's just when the wound -- when the bullet  
19 makes contact with the body, sometimes there can  
20 be abrasions on the edges of the wound.

21 Q. Okay. And did you -- is that the  
22 discoloration around the wound edge?

23 A. The discoloration could be bruising. This is  
24 a separate thing from the abrasion.

25 Q. Okay. And you noted in your notes there was

1 no -- you did not observe soot or stippling?

2 A. Yes.

3 Q. And did you then try to identify where that  
4 wound went and what projectile made it?

5 A. Yes.

6 I -- we do -- we track all the  
7 trajectories and all the organs damaged along its  
8 way.

9 Q. Okay. Through your examination, can you tell  
10 us your observations about the projectile that  
11 caused that wound and its path or trajectory.

12 A. So this particular wound perforated the skin,  
13 obviously; then the right pectoralis muscle,  
14 which is the -- the chest muscle on the right  
15 side.

16 Then it went through the second rib, which  
17 is just maybe, like, two fingers below your  
18 clavicle, and into the chest cavity, through the  
19 mediastinal soft tissues, which is all the fatty  
20 tissue and all the other tissues that are in the  
21 center of your chest cavity.

22 Then the pericardium, which is the sac  
23 that covers the heart.

24 Then the vascular hilum of the left lung,  
25 which is -- so now it's going over to the left

1 side.

2 The vascular hilum is pretty much all the  
3 vasculature that gets fed to the lungs from the  
4 heart.

5 Then the left lung upper lobe and -- as  
6 well as the left lung lower lobe, so both lobes  
7 of the left lung.

8 And then the posterior fifth left  
9 intercostal space muscle, so that's the muscles  
10 between the ribs on the back side of the chest  
11 cavity on the left side, and then the left  
12 scapula.

13 Then it goes through the left scapula and  
14 penetrates the musculature in the actual back of  
15 the body.

16 And that's where it comes to rest, so it  
17 is recovered from that particular area.

18 Q. Can you -- maybe you could stand and just  
19 sort of indicate the general area it was  
20 recovered from.

21 A. Yeah, so the bullet goes through this part of  
22 the general body --

23 Q. (Inaudible.)

24 A. -- this part of the general body, goes from  
25 right to left, a little bit towards the back,

1 because, obviously, it's ending behind the  
2 scapula, around this area on the back muscles.

3 Q. And throughout this process, you're -- you're  
4 documenting, not only by notes and, ultimately,  
5 you're also taking photographs; is that right?

6 A. Yes.

7 Q. Okay. Showing you a packet of documents.  
8 Just take a second to look at those, please.

9 (Pause.)

10 BY MR. VAN EPPS:

11 Q. Do you recognize those?

12 A. Yes.

13 Q. What are they?

14 A. They're photographs from the autopsy,  
15 recording some of the injuries.

16 Q. Okay. And there's a series of numbers on  
17 them, one through five?

18 A. Yes.

19 Q. Do they correspond with the different  
20 penetrating wounds that you've noted in your  
21 notes but also in your report?

22 A. Yes.

23 MR. VAN EPPS: I'm going to offer these  
24 as the next exhibit.

25 THE CLERK: No. 20, your Honor.

1 (Exhibit No. 20, Photographs, received  
2 into evidence.)

3 MR. VAN EPPS: And I'll just hand these  
4 over to the Court.

5 (Inaudible) refer to them.

6 BY MR. VAN EPPS:

7 Q. The projectile was, you described, recovered,  
8 was that turned over to the State Police, to your  
9 knowledge?

10 A. I recover it for evidence, then it gets  
11 handed down the chain of custody, so I -- they  
12 never really tell me whether somebody picks it up  
13 or not, but I would assume that, yeah, somebody  
14 would pick it up.

15 Q. Fair enough. You see in your notes  
16 there's -- you refer to it as GSW No. 2, that's  
17 Wound No. 2?

18 A. Yes.

19 Q. And that's a penetrating wound?

20 A. Yes, that's a penetrating gunshot wound.

21 Q. Can you tell us your observations about that  
22 wound, please?

23 A. So this one is located 35 centimeters below  
24 the top of the head, and 1.1 centimeters to the  
25 right of midline, so it's practically in the

1 center of the chest.

2 It is a 1.0 by 0.9 centimeter round defect  
3 again with the dry abrasion margin, and a little  
4 bit of discoloration as well, pink discoloration  
5 or pink ecchymoses around the actual wound.

6 When --

7 Q. What was that -- I'm sorry, what was that  
8 word you just used?

9 A. Ecchymoses?

10 Q. What is that?

11 A. Usually it's just bleeding. It's a bruise.

12 Q. Okay. I'm sorry. I didn't mean to interrupt  
13 you. Please.

14 A. No, that's okay. And then there's also no  
15 soot or stippling associated with this particular  
16 injury.

17 Q. Okay. And during your internal examination,  
18 did you attempt to locate the projectile that  
19 caused that penetrating wound?

20 A. Yes.

21 So this particular projectile entered  
22 through the second anterior right rib, so, again,  
23 about maybe two fingers from the top of the  
24 clavicle.

25 It fractured that particular rib and the



1 sternum.

2 It also perforated the ascending aorta,  
3 which is the big vessel that comes from the  
4 heart.

5 It also had injuries to the heart, and  
6 then it travels downward and perforates the  
7 diaphragm and the abdomen, the liver, the  
8 pancreas, the -- what we call pericolic soft  
9 tissues, so just soft tissues that are within  
10 your belly, and the abdominal fat, and the left  
11 femoral vein.

12 So the left femoral vein is within the  
13 pelvic cavity, in a way.

14 And then the projectile itself is  
15 recovered within the abdominal cavity.

16 Q. And can you indicate for Judge Brennan  
17 approximately where that projectile -- where you  
18 recovered that projectile?

19 A. Yeah.

20 So, like I said, the notes get taken like  
21 this.

22 The projectile goes in around this  
23 particular area, and travels downward to kind of  
24 the hip area, this part.

25 Q. And did you also observe a third -- it's on

1 your notes as GSW No. 3?

2 A. Yes.

3 That's the penetrating gunshot wound to  
4 the lower abdomen.

5 Q. Okay.

6 A. This is one is about 82 centimeters below the  
7 top of the head, and then this one's right at the  
8 midline. It is under the -- right under the  
9 belly button. It's 1.6 by 1.6 centimeter. This  
10 one's a little bit of a larger defect.

11 The entrance wound -- which makes sense,  
12 because the entrance wound looked as it was  
13 angled; and it has, or it had, what I described  
14 as a dermal bevel, which you can see these when  
15 the projectile hits -- hits the skin at an angle  
16 and enters the body at an angle.

17 It did have abrasions at different  
18 positions of the wound itself, and then there was  
19 also bruising around the wound itself.

20 Q. Okay. And then internally, did you attempt  
21 to locate the projectile which had caused that  
22 injury?

23 A. Yes.

24 So this particular one goes through the  
25 skin and the subcutaneous soft tissues, as well

1 as what we call the abdominal pannus, which is  
2 just the fatty tissue under your skin; and then  
3 it travels to the left and affects the tensor  
4 fasciae latae, which is a part in the leg itself,  
5 and penetrates the lateral left hip muscles.

6 And then the projectile is recovered  
7 within that particular area, so within the hip  
8 where you would have your femur bone attaching to  
9 your actual pelvic bones.

10 Q. Okay. And tell us about your observations  
11 for what you described as GSW No. 4 in your  
12 notes.

13 A. So GSW No. 4 is the -- it's another wound to  
14 the right side of the upper leg, or -- sorry, the  
15 right upper leg.

16 This one's 88 centimeters below the top of  
17 the head, and 18.5 centimeters to the right of  
18 the symphysis pubis, which is your hard bone in  
19 your groin area. This one is 0.8 by 0.8  
20 centimeter round defect.

21 Also has an abrasion around the margin --  
22 which an "abrasion" is like a scrape -- and it  
23 does have a little bit of ecchymoses, of bruising  
24 associated with the actual wound.

25 Q. Okay. Were you able to internally locate the

1 projectile associated with that penetrating  
2 wound?

3 A. Yes.

4 So this particular one enters the body,  
5 the skin, disrupts the tensor fasciae latae,  
6 which, again, it's part of the thigh muscle area;  
7 then it's located in the hip muscles area as well  
8 on the right leg.

9 So this one comes to rest at the femur, so  
10 it's located within the actual bone, and it  
11 fractured the bone.

12 Q. On -- on which side?

13 A. On the right side.

14 Q. On the right side.

15 Now, on the back side of Mr. Reilly, did  
16 you locate a fifth wound?

17 A. Yes.

18 Q. Penetrating wound, excuse me.

19 A. Yes.

20 So I also described this as a penetrating  
21 gunshot wound; however, the projectile associated  
22 with this particular wound is a different kind of  
23 projectile.

24 Q. Okay.

25 A. So this is on the back of the left leg. It

1 is 55 centimeters above the left heel.

2 It's really almost at the soft part of  
3 the, like, where your leg bends.

4 The wound was 2.7 by 2.0 centimeters, so  
5 it's a larger defect.

6 It also had an abrasion margin at  
7 different positions around the -- the injury,  
8 and there's no soot or stippling associated with  
9 that wound.

10 Q. Okay. And did you try to recover that  
11 projectile, because you mentioned a moment ago  
12 that it was a different type of projectile.

13 A. Yes.

14 This was also recovered. This one was a  
15 bean bag type of projectile.

16 Q. Okay. And, again, same question about the  
17 projectiles.

18 They're all recovered by you; they're  
19 processed as -- as evidence by your office, and  
20 presumably they go to the State Police?

21 A. I retrieve every projectile, I package  
22 everything, and then I hand it off in the chain  
23 of custody to my assistant, and then they do  
24 their own chain of custody.

25 So from retrieving it to the body to

1 packaging it up, I do all that.

2 Q. Okay.

3 THE COURT: Mr. Van Epps, can I just ask  
4 a quick question?

5 MR. VAN EPPS: Of course.

6 THE COURT: Doctor, with respect to  
7 Wound 5 --

8 THE WITNESS: Yes.

9 THE COURT: -- was the sock still intact,  
10 or did you recover parts of the sock and then the  
11 lead shot?

12 THE WITNESS: No. So the bean bag was  
13 intact, and there was another part of what would  
14 be the --

15 THE COURT: Like a wadding?

16 THE WITNESS: The shotgun cart -- like,  
17 the shotgun cartridge in a way.

18 There's a little disk that's part of  
19 that projectile, and that was also in there with  
20 the -- with the bean bag, which I described as a  
21 red disk.

22 BY MR. VAN EPPS:

23 Q. Do you recognize this?

24 A. Yes.

25 Q. What's that?

1 A. So this is the bean bag projectile and that  
2 red disk.

3 Q. Okay.

4 MR. VAN EPPS: I would offer this as the  
5 next exhibit.

6 THE COURT: All right.

7 THE CLERK: Twenty-one, your Honor.

8 (Exhibit No. 21, Bean bag projectile and  
9 red disk, received into evidence.)

10 BY MR. VAN EPPS:

11 Q. In your training and experience, before we  
12 move on to the other observations of the body --  
13 in your training and experience, is there, in  
14 your training and experience, excuse me, is there  
15 significance to your observations that there was  
16 no soot or stippling around certain wounds?

17 A. Usually we use that particular finding to  
18 determine whether it was contact wound or a  
19 close-range wound.

20 That being said, the soot and the  
21 stippling do get heavily affected by whether  
22 there's clothing or not, so it is hard to say  
23 with certainty if there's no clothing when I  
24 receive the body whether -- the range of the  
25 wound, just based on that.

1 Q. What about the presence or absence of  
2 abrasions around the wound, is there a  
3 significance in that?

4 A. The abrasions sometimes help us determine,  
5 you know, if there was an angle to how the  
6 projectile went into the actual body, so in the  
7 abdominal wound, per se.

8 Q. No. 3?

9 A. No. 3, that particular wound is heavily  
10 angled, and it's easier to tell because you have  
11 what we call a dermal bevel, as well as abrasions  
12 surrounding that particular injury.

13 Also, the trajectories always help. I  
14 mean, you know, you see from where it started to  
15 where it ends, and so you can sort of put  
16 everything together.

17 Q. Okay. And does the presence of bruising or  
18 ecchymoses around particular wounds, does that  
19 help you indicate, or figure out, whether or not  
20 the person was alive at the time they were  
21 wounded?

22 A. Yes.

23 So we look for, you know, wound quality,  
24 wound color, and any bruising as well, just to,  
25 you know, you won't get bruising if the person





1           MR. VAN EPPS: I would offer this as the  
2 next exhibit.

3           THE CLERK: Twenty-two, your Honor.  
4           (Exhibit No. 22, Photographs, received  
5 into evidence.)

6 BY MR. VAN EPPS:

7 Q. And what I'd like to do, in particular, is in  
8 your report, on page 7, you start with your  
9 report describing blunt force injuries of the  
10 torso.

11           You also have some notes with the diagram  
12 showing where they are; is that right?

13 A. Yes.

14 Q. Okay. So let's start with what you describe  
15 as blunt injuries of the torso.

16 A. Okay. So here there is a couple.

17           So the left side of the anterior upper  
18 torso, which would be around this area, has an  
19 eight-by-eight centimeter purple ecchymoses, so  
20 that's fairly large.

21           So purple, yellow ecchymoses just means  
22 it's a bruise -- it's a purple and yellow  
23 bruise -- and it also had multiple pinpoint  
24 defects on the skin.

25           Do you want me to go over the other ones?

1 Q. Well, tell me about the defects of the skin.

2 A. So I believe these are marks from the -- so  
3 these bean bags have little pellets inside --  
4 usually they're lead pellets -- and I believe  
5 these little pinpoint defects are from -- from  
6 the pellet marks from one of these bean bags.

7 I don't have that bean bag, so I don't  
8 know if it broke on contact on the skin --

9 Q. Um-hum.

10 A. -- and that's why I have these marks, or it  
11 somehow stretched in the skin, because these bean  
12 bags, you know, they're -- that's what they're  
13 meant to do.

14 And so I believe these pinpoint defects  
15 are from the actual pellets within the bean bag.

16 Q. Okay. It's at least consistent with what  
17 you'd expect to see if struck by one of those?

18 A. Yes.

19 Q. How about the next -- you can go on to the  
20 next injury.

21 A. So the other one is on the right lower  
22 quadrant of the abdomen, so it's on this  
23 particular side of the abdomen.

24 This one is 11.0 by 4.5 centimeter bruise,  
25 so it's a large --

1 THE COURT: Can I just interrupt one  
2 second?

3 The first bruise was where?

4 THE WITNESS: On the left side of --

5 THE COURT: Left upper chest?

6 THE WITNESS: Left upper chest, yes.

7 A. The next one is on the right lower quadrant,  
8 so, like, right lower abdomen.

9 And this one, like I said, it's 11.0 by  
10 4.5 centimeters, so it's a fairly large bruise,  
11 and then it has a central somewhat round 2.87 by  
12 2.3 centimeter abrasion, so a scrape, if you  
13 must.

14 And then the posterior left lower torso,  
15 so that's on the back, on the lower back, just  
16 appeared to the left buttock is a 3.3 by 3  
17 centimeter purple bruise, and it has a 3.0 by 2.0  
18 centimeter abrasion in the center.

19 So the first one didn't have the abrasion,  
20 the other two had the abrasion.

21 What I was seeing with these bruises is  
22 you see a big bruise, which you would expect with  
23 a bean bag projectile, and then you have the  
24 central scrape, which is what you would -- where  
25 it's, like, the bag is actually making the

1 impact.

2 Q. So each of these three blunt force injuries,  
3 in your training and experience, that they appear  
4 consistent with a bean bag impact?

5 A. Yes.

6 Q. And before we move on to the other ones --  
7 I'm just going to steal that exhibit, Judge --  
8 let me just show you Exhibit 22.

9 Can you tell -- and you can refer to your  
10 notes, of course, can you tell whether there were  
11 any of those injuries to the torso you just  
12 described are pictured in those photographs?

13 A. Yes.

14 I have the -- should I show this?

15 Q. Yes, you can show that.

16 A. So --

17 Q. Is that the same one?

18 A. Yeah.

19 So this one is the right side of the  
20 abdomen, and you can see the large bruise.

21 It's harder to see, obviously, in the  
22 picture; but you can see the large bruise and you  
23 can see the abrasion in the center.

24 Then this one is the one above the left  
25 buttock. So this one's this one. On closer

1 inspection, you see it's a large bruise, with a  
2 central sort of abrasion.

3 Q. This is on page 2 of that exhibit.

4 A. And then this is not the ones we've talked  
5 about. This one's on the (indiscernible).

6 Q. Okay. We'll get to that in a second.

7 A. And the other one's on the (indiscernible).

8 Q. I'll take the exhibit back.

9 Thank you.

10 A. The chest one isn't depicted in these  
11 pictures.

12 Q. Okay. When the body came to you, it had --  
13 it presented with evidence that it had been  
14 opened at the emergency room of the hospital?

15 A. That's correct, yes.

16 Q. And there were also tubes and things from the  
17 emergency room still attached?

18 A. Yes.

19 Q. Okay. All right.

20 Could you describe other -- the blunt  
21 force injuries of the -- of the arms and legs,  
22 the extremities?

23 A. So these are quite a few.

24 Maybe I'll refer back to -- so I have a  
25 couple different diagrams.

1           One of them documents some of the  
2 bruising, which is patterned, as well on the  
3 legs, consistent with the bean bags; and then on  
4 the upper extremities, I will say it's mostly  
5 bruising and the hands have a lot of bruising and  
6 a lot of little scrapes on them.

7           Q.   Um-hum.  Could you -- could you focus on, for  
8 example, the -- in your report, it's the last  
9 paragraph on page 7, the left anterior upper leg,  
10 the thigh, could you start with that?

11          A.   Yes.

12                 So the left anterior upper leg, which I  
13 believe is the picture in the evidence, this one  
14 has a 15 by 6.2 centimeter bruise with what I've  
15 described as an eccentrically located round  
16 3.5 by 2.6 centimeter abrasion, so that's just a  
17 big bruise, and the abrasion is not in the center  
18 but off to one of the sides.

19                 And then there's multiple smaller 0.2 by  
20 0.2 centimeter abrasions around the upper margin  
21 of the -- of the abrasion itself.

22                 So, again, kind of like what we were  
23 seeing, the defects in the chest.

24                 In this case it didn't really make defects  
25 on the skin; it made abrasions on the skin or

1 scrapes on the skin, but it's also sort of  
2 consistent with the pellets within the -- the  
3 bean bag.

4 Q. The bean bag strike?

5 A. Yes.

6 Q. Okay. You also note in page 8 of your report  
7 the anterior left leg, frequent 6 by 2.6  
8 ecchymoses; do you see that?

9 A. Yes. So --

10 Q. Can you tell us about that?

11 A. So this is more towards the medial aspect  
12 of -- so the internal aspect of the left leg.

13 I mention it to be in the area of the  
14 knee; and, like you said, it is a 3.3 by three  
15 point -- 3.6 -- I'm sorry, 3.6 by 3.6 centimeter  
16 bruise, which I have little notes along my report  
17 that says, See Note B, so I do mention that I --  
18 I believe this is related to a bean bag bruise.

19 Q. And, in fact, on pages 7 and 8 of your  
20 report, there's a number of blunt force injuries  
21 that you have in that note saying, See Note B  
22 that's consistent with --

23 A. Yes.

24 Q. -- bean bag.

25 A. So the way we draft our reports, we --



1 gunshot wounds are a separate special category,  
2 and then you do describe the abrasions on the  
3 bruises.

4           These get put in a separate part of the  
5 report, but in the case of the bean bag bruises  
6 and abrasions, they're integrated with smaller  
7 abrasions and bruises that likely have nothing to  
8 do with the -- with the bean bag rounds.

9           So, just to make a distinction that these  
10 were ones that I particularly thought were caused  
11 by the bean bags, I made these notes.

12 Q. Okay. All right. You also preserved samples  
13 of blood and things like that from Mr. Reilly's  
14 body for testing; is that right?

15 A. Yes.

16           So as part of any, or most cases of this  
17 nature, we do usually collect hair, pulled head  
18 hair, pulled pubic hair.

19           We do collect fingernail clippings, as  
20 well as a vial of blood.

21           And then for almost every single case, we  
22 collect samples of different fluids on the body  
23 to do toxicology testing later on.

24 Q. And is some of that done at the Office of the  
25 Chief Medical Examiner and is some of that

1 submitted to the private laboratories under  
2 contract to the medical examiner?

3 A. So we collect the samples.

4 The samples for the most part get analyzed  
5 at the state tox lab.

6 Q. Um-hum.

7 A. And if they deem it necessary, or if for  
8 whatever reason they need to, they do work with  
9 NMS Labs.

10 And so some samples get sent out to a  
11 bigger lab because maybe they have equipment to  
12 test for things that they can't and so on and so  
13 forth.

14 Q. Okay. And a report from the toxicology  
15 analysis was produced as part of the ME preparing  
16 its file for today; is that right?

17 A. Yes.

18 MR. VAN EPPS: Judge, if I could steal  
19 exhibit -- I think it's 19.

20 BY MR. VAN EPPS:

21 Q. If you could -- well, we'll start at the  
22 back.

23 The NMS Labs, it looks like it's a  
24 two-page report, the back of Exhibit 19, if you  
25 could just take a look.

1 A. Okay.

2 Q. And describe for us what, if anything --

3 A. Do you want me to go in the order I would  
4 analyze it?

5 Q. Yes, please.

6 A. It might be easier.

7 So these reports are hard to interpret for  
8 anybody that doesn't really work with them on a  
9 regular basis, but -- so at the top of the report  
10 it says the samples I submitted for analysis, so  
11 I submitted heart blood, vitreous humor, which is  
12 the fluid in the eye; femoral blood, there was a  
13 second vial of femoral blood; urine and bile,  
14 which is the fluid found in the gallbladder.

15 They normally will test heart blood and  
16 femoral blood. Usually they screen in the heart  
17 blood, and they confirm the findings in the  
18 femoral blood.

19 So in this case, they did a heart blood  
20 screen, which was -- the screen was positive for  
21 cocaine.

22 Then they confirmed the findings of the  
23 heart blood with an organic basis, a neutrals  
24 type of test.

25 This one detected gabapentin breakdown,

1 lamotrigine, bupropion, and metabolites. The  
2 cocaine wasn't actually picked up on that one.

3 So they do further testing on the femoral  
4 blood. I believe they were looking for that  
5 cocaine that they had sort of been flagged in the  
6 original screen of the heart blood.

7 They didn't find the parent drug, meaning  
8 they didn't find cocaine.

9 They found benzoylecgonine, so  
10 benzoylecgonine -- and they measured the level --  
11 is a metabolite of cocaine.

12 Cocaine is very quickly metabolized, so it  
13 could be that, you know, it just got so quickly  
14 metabolized that now you're just seeing the  
15 metabolite.

16 And then they did send out -- they never  
17 gave us a reason really why they were sending it  
18 out, but they did send out to NMS Labs.

19 It could have been that at that moment  
20 they didn't have the capability of testing for  
21 whatever they wanted to test, so, in this case,  
22 they sent out and they wanted to test for the  
23 bupropion and the hydroxybupropion and get levels  
24 on those two particular drugs.

25 So, like I said, it may be that they just

1 can't really quantify these substances in their  
2 own lab.

3 So they did test for these and found  
4 bupropion and hydroxybupropion -- got levels for  
5 it -- and so it was reported as a -- as an  
6 additional report on their report.

7 Q. Okay. And are you familiar with the effects  
8 that -- so you mentioned cocaine is very quickly  
9 metabolized.

10 Are you familiar as a physician of what  
11 the effects of that substance are on a human body  
12 when it's consumed and metabolized?

13 A. When it's there, when it's consumed, cocaine  
14 can give you euphoria. It can get you warm. It  
15 can make you feel warm.

16 I mean, different people have different  
17 reactions to these drugs.

18 Q. Okay. Based on your examination and your  
19 training and experience, did you form an opinion  
20 to a reasonable degree of medical certainty as to  
21 the cause of Brendan Reilly's death?

22 A. Yes.

23 Q. And what was that?

24 A. So the cause was multiple gunshot wounds.

25 Q. Now, earlier in your testimony, and also in

1 your report, you differentiate Wounds 1 through 4  
2 being caused by one type of projectile and wound  
3 five being caused by -- ultimately it's a bean  
4 bag that you found; is that right?

5 A. Yes, that's correct.

6 Q. Okay. In assessing the damage caused by the  
7 different wounds to the body, can you describe  
8 how they differ in terms of whether one type of  
9 projectile or the other would have been  
10 responsible for death?

11 A. So, you know, the bean bag projectiles are  
12 considered, like, less than lethal use of force,  
13 so these projectiles, while they can really  
14 injure somebody, and as we see in -- in Brendan's  
15 case, it can break the skin, usually that's not  
16 what we see; and it's more what we saw on the  
17 body, which is the bruising.

18 The other rounds, the other projectiles  
19 are lethal force, so those can penetrate and  
20 injure the -- the organs and the tissues, and  
21 they can cause more damage.

22 Q. And you describe in your testimony actually  
23 finding those four projectiles for Wounds 1  
24 through 4 in the body, and you describe -- well,  
25 the damage throughout the body they did?

1 A. Yes.

2 I believe the only thing I didn't mention  
3 was the different amount of blood that I found  
4 within the chest cavity.

5 And so, you know, the other additional  
6 findings regarding the wounds.

7 Q. Okay. The four wounds, one through four, if  
8 untreated, would they cause death?

9 A. Yes. We have a -- you know, we have a rule  
10 and it's, like, any injury that breaks the skin  
11 if left untreated will cause death in a way, you  
12 know, it can bleed, it can get infected, so  
13 whether it's short-term or long-term, yes,  
14 anything that cuts into the skin and bleeds out  
15 can cause death.

16 Now, if you want to talk about something  
17 being immediately lethal, then I would say  
18 definitely Wound 1, 2, and likely 3.

19 Let me just double-check. I just want to  
20 make sure I'm not saying the wrong thing.

21 So definitely both chest wounds and  
22 the -- both chest wounds and the abdominal wound  
23 would likely be more immediately lethal.

24 Q. And the other ones you would still -- you  
25 would want treatment for, but they're not

1 immediately life-threatening, if I understand?

2 A. Yes, they wouldn't be immediately  
3 life-threatening.

4 Q. Earlier you were testifying about the shape  
5 of the entrance for the wounds, some of them you  
6 described as sort of more round and it -- I think  
7 it was No. 3, you described as more angled.

8 When a -- when a projectile hits a body  
9 fired from a gun, does it -- what happens to the  
10 force of that projectile?

11 A. So with any projectile, when it gets fired  
12 from a gun and it hits the body and it touches  
13 the body, even as it goes through the area, it  
14 starts losing momentum; and it loses momentum  
15 more rapidly once it hits tissue, bone,  
16 et cetera.

17 So the idea is that as the projectiles  
18 sort of, like, lose momentum and kinetic energy,  
19 they tumble through whatever space they're in,  
20 and so that's how this damage gets -- gets done.

21 So you don't have a pinpoint, little, tiny  
22 hole, that's why you get more injuries that  
23 extend beyond the path of the projectile.

24 Q. And when the -- when a projectile hits the  
25 body, does that sometimes cause the body to -- to



1 move as that force transfers to the body?

2 A. When the projectile hits the body, you know,  
3 the person, most people when they're getting  
4 shot, they're not in a static position as we  
5 depict them in our diagram, that's just for  
6 documentation purposes only.

7 So it is sort of, like, implied that the  
8 person may be moving, may be reacting to an  
9 impact of any kind, and so from a gunshot wound,  
10 they may be reacting to that as well, so the  
11 person may be moving around, yes.

12 Q. So you describe Wounds 1 through 4, and I  
13 want to just quote you here, but, for example,  
14 Wound No. 1 you described as front to back, right  
15 to left and down.

16 A. Yes.

17 I believe most of them are front to  
18 back -- slightly front to back; right to left,  
19 and then slightly downward, or downward.

20 Q. So if they're -- if they're proceeding down  
21 through the body, would that be consistent with  
22 a -- the body at the time it's being hit leaning  
23 forward or -- or moving in some way?

24 A. So the trajectories and the directions of the  
25 projectiles, the way I'm taking my notes, like I

1 said, is with the body standing with the palms  
2 facing forward, so what that means is that the  
3 trajectory will be affected either by the  
4 position of the decedent or the position of the  
5 shooter; and/or both, the position of the shooter  
6 and the position of the decedent.

7 So I'm -- I never assume that the decedent  
8 is in any sort of position based on these  
9 injuries.

10 Does that make sense?

11 Q. I think so.

12 Are you able to -- to draw any inferences  
13 about the -- assuming that the -- assuming that  
14 the shooter is standing --

15 A. Um-hum.

16 Q. -- are you able to draw any inferences about  
17 the position of the -- about Mr. Reilly at the  
18 time he was struck by the projectiles?

19 A. If you assume that the -- and this is  
20 (indiscernible) very slow, but if you assume that  
21 the shooter is standing face-to-face with the  
22 decedent and the decedent is also standing  
23 face-to-face, then the wound trajectories would  
24 not make sense, right, because I do expect if --  
25 if we're standing like we're standing and I shoot

1 you, I, for the most part, unless the bullet hits  
2 a bone and does a weird angle, which can happen,  
3 but let's say it goes through all the soft  
4 tissue, I would expect the projectile to go front  
5 to back.

6 And if -- and if I'm standing at the same  
7 height and everything.

8 So you -- it's hard to assume how either  
9 person was standing unless I'm there looking at  
10 it.

11 MR. VAN EPPS: If I could just have a  
12 moment, your Honor.

13 THE COURT: Um-hum.

14 (Pause.)

15 BY MR. VAN EPPS:

16 Q. Based on your training and experience, do you  
17 know whether cocaine might interact with any of  
18 the other substances that were noted in the tox  
19 report?

20 A. I mean, we always -- you know, all these  
21 drugs do interact.

22 And, like I said, before, you know, every  
23 person metabolizes different and will react  
24 different to the drugs consumed.

25 I am not -- I actually don't remember or

1 don't know if I knew this at the time, but I'm  
2 not sure if Mr. Reilly is prescribed some of the  
3 other substances.

4 Obviously, cocaine is not a prescribed  
5 substance. I'm not sure about the other ones.  
6 But if they are prescribed, you should not be  
7 combining it with cocaine.

8 Q. And if I understand your testimony, correct  
9 me if I'm wrong, it sounds like what you were  
10 telling me is that, although you sort of document  
11 the injuries, assuming the body's like this, just  
12 to do the numbers --

13 A. No, assuming the body is like this.

14 Q. Sorry, hands down.

15 A. Yes.

16 Q. But you're -- you're diagramming it that --

17 A. Palms facing forward, yes.

18 So it's the diagram is that way, and  
19 that's the way we document the injuries on every  
20 person.

21 Q. So you diagram it that way for recordkeeping  
22 purposes so you could do your report; but, not  
23 having been there when these wounds were caused,  
24 you're not able to draw any inferences about who  
25 was where.

1 Do I understand you correctly?

2 A. Yes.

3 Q. Okay. Thank you.

4 THE COURT: Can I just ask a question  
5 about the, I guess, the wound, maybe the wound  
6 channels on some of the other wounds, the effect  
7 of the gunshots.

8 Does the type of round used make a  
9 difference as far as the -- how the bullet  
10 traveled or the type of injuries that were  
11 caused?

12 THE WITNESS: Yes.

13 I mean, in this case, I believe the --  
14 and I may be wrong -- I don't remember off the  
15 top of my head -- I believe the four rounds  
16 recovered were the same type of rounds.

17 So I would expect, in a way, the same  
18 amount of injury versus if you shoot someone with  
19 an AK-47, you know, the damage is going to be  
20 much more significant.

21 The same thing with the bean bag. You  
22 know, it's not even supposed to break the skin.  
23 It can happen, it can cause bad injuries, but  
24 it's not supposed to, and then you see that with  
25 the other areas that are bruised where it's

1 clearly less than lethal.

2 THE COURT: With respect to the  
3 penetrating bean bag round --

4 THE WITNESS: Um-hum.

5 THE COURT: -- understanding that your  
6 testimony, I think as I understand it is, any --  
7 you classified any penetrating wound as  
8 potentially lethal because of blood loss,  
9 infection, yada, yada, yada.

10 THE WITNESS: Left untreated, yes.

11 THE COURT: Left untreated.

12 Do you believe within a reasonable degree  
13 to medical certainty that any of the bean bag  
14 rounds, including the penetrating round, was  
15 either a cause of death or a contributing cause  
16 of death to Mr. Reilly?

17 THE WITNESS: I contributed the  
18 penetrating one to the leg as -- as a global  
19 picture for the gunshot wounds; but, like, we  
20 were mentioning, or I was mentioning earlier, if  
21 you want to sort of split hairs in a way and say  
22 which round is immediately and acutely lethal,  
23 then the two rounds to the chest are immediately  
24 lethal.

25 The abdomen one is -- it's also more

1 lethal. So they kind of go from more to less.

2 THE COURT: But, in layman's terms,  
3 Gunshot 1 and Gunshot 2 basically go through --  
4 both go through the heart and through the  
5 lungs --

6 THE WITNESS: Yes.

7 THE COURT: -- or at least a lung --

8 THE WITNESS: Yes.

9 THE COURT: -- if not both.

10 THE WITNESS: And there's a lot of  
11 hemorrhage associated with them. There's injury  
12 to the aorta. That in itself, I mean, it's  
13 lethal very quickly.

14 THE COURT: Okay. And, again, just  
15 getting back to my first question --

16 THE WITNESS: Um-hum.

17 THE COURT: -- is there anything in  
18 particular about, I guess the type of round used  
19 that would have created more damage.

20 THE WITNESS: So --

21 THE COURT: As far as, like, basically  
22 bullet characteristics?

23 THE WITNESS: So if we're comparing the  
24 ones we have in this case --

25 THE COURT: Right, just (indiscernible)

1 the skin. I think these were all 9mm rounds.

2 THE WITNESS: So the -- the -- the 9mm  
3 rounds versus the bean bag, obviously the 9mm  
4 rounds are going to be -- are going to cause more  
5 damage. They are meant to cause more damage.

6 THE COURT: Okay. All right.

7 Anything on that before I pass it over?

8 MR. VAN EPPS: No.

9 MR. MCDONALD: No questions.

10 EXAMINATION

11 BY MR. HEINEMAN:

12 Q. Good morning, Doctor.

13 A. Good morning.

14 Q. I do have a couple of follow-up questions.

15 I want to start with the bullet wounds.

16 A. Yes.

17 Q. All four had a downward trajectory, correct?

18 A. Yes.

19 Q. All four had a right to left and downward  
20 trajectory, correct?

21 A. Yes.

22 Q. None of the four gunshot wounds exhibited  
23 evidence of soot or stippling, correct?

24 A. Yes.

25 Q. And the reason you, as a medical examiner,



1 make note of soot or stippling is it can  
2 sometimes tell you something about the proximity  
3 of the muzzle of that weapon to the body,  
4 correct?

5 A. That's correct.

6 Q. If the muzzle of the body's within -- muzzle  
7 of the gun is within about two feet or so of the  
8 body, you'd expect to see some stippling,  
9 correct?

10 A. Yes.

11 That's contingent on whether the person  
12 has clothing or not, so maybe you see it in the  
13 clothing and not on the body.

14 Q. Okay. So you made a finding of no soot or  
15 stippling, but you can't tell in and of itself  
16 based on that how close this gun was to Brendan  
17 when Brendan was shot, correct?

18 A. That's correct.

19 Q. In any of the findings that you made, were  
20 you able to ascertain or form an opinion to a  
21 reasonable degree of certainty as to how close  
22 the muzzle of that handgun was, 9mm, to Brendan  
23 at the time the shots were fired?

24 A. No, I cannot, not based on my external  
25 findings.

1 Q. Okay. And internal or external or anything  
2 you have, right?

3 A. Yes.

4 Q. Okay. Let's move to the -- to the blunt  
5 force injuries, if we could.

6 A. Okay.

7 Q. And I'm using your diagram of blunt injuries,  
8 and maybe that would be --

9 A. Oh.

10 Q. If you follow along with that, that  
11 perhaps -- do you still have the exhibit so I can  
12 give it to the Judge?

13 THE COURT: Thank you very much.

14 MR. VAN EPPS: I think the judge has  
15 the --

16 THE COURT: No, she has the --

17 MR. VAN EPPS: She has the report.

18 THE WITNESS: This one? Okay.

19 THE COURT: She has the reports and the  
20 diagrams.

21 MR. HEINEMAN: But do you know what the  
22 (inaudible) is marked as an exhibit as well?

23 MR. VAN EPPS: The Judge has the  
24 diagrams.

25 THE COURT: I got the diagrams.

1 THE WITNESS: Do I have them?

2 I think I returned them.

3 THE COURT: I got them.

4 BY MR. HEINEMAN:

5 Q. So the blunt injuries diagram is the one I'd  
6 like to start with; and, again, we're looking at  
7 the diagram in the position that you've talked  
8 about.

9 There is a mark in the upper left chest.

10 A. Yes.

11 Q. That, in your opinion, was caused by a bean  
12 bag strike, correct?

13 A. Yeah. That's the one that had the small  
14 pinpoint defects on the surface of the skin.

15 Q. Now, could you tell from the observations you  
16 made of that bean bag strike how close the muzzle  
17 of that shotgun was to Brendan at the time that  
18 bean bag was shot?

19 A. No.

20 Q. On -- continuing on your diagram working top  
21 to bottom, there's a large blunt force wound on  
22 the lower right abdomen; do you see that one?

23 A. Yes.

24 Q. That was also, in your opinion, a bean bag  
25 strike, correct?

1 A. Yes.

2 Q. Could you tell anything about the -- the  
3 proximity of the weapon to Brendan at the time  
4 that bean bag strike occurred?

5 A. No, I cannot.

6 Q. Working our way down, there is a blunt force  
7 injury on the upper left thigh.

8 A. Um-hum.

9 Q. Is that also, in your professional opinion,  
10 evidence of a bean bag strike?

11 A. Yes.

12 Q. Could you tell anything about the proximity  
13 of the shotgun to Brendan at the time that bean  
14 bag was fired?

15 A. No, I can't.

16 Q. Working our way down below that same mark on  
17 the left leg, staying with the left leg, there is  
18 a mark just above the knee and on the interior  
19 portion, the medial portion of the leg, correct?

20 A. Yes.

21 Q. And it's your professional opinion that  
22 that's also a bean bag strike, correct?

23 A. Yes.

24 Q. All right. So we're up to -- that's one,  
25 two, three, that's Bean Bag 4.

1 A. Four, um-hum.

2 Q. Now, could you tell anything from the  
3 characteristics of that wound, the proximity of  
4 the shotgun to Brendan at the time that wound  
5 occurred?

6 A. No.

7 Q. Moving to the right leg, around the knee you  
8 have some blunt force injuries on your diagram;  
9 do you see that?

10 A. Yes.

11 Q. Are any of those blunt force injuries that  
12 you document on the right knee caused by a bean  
13 bag strike, in your opinion?

14 A. The right knee?

15 No, I did not document those to be related  
16 to the bean bag.

17 Q. Okay. There's -- there's another bean bag  
18 injury on the low back on the left side, correct?

19 A. Yes.

20 Q. That bean bag injury, could you tell anything  
21 from the characteristics of that injury as to how  
22 close the shotgun was to Brendan at the time that  
23 bean bag was shot?

24 A. No, I cannot.

25 Q. So in the blunt force section, you have

1 documented five separate bean bag blunt force  
2 injuries, correct?

3 A. Yes.

4 Q. And then in addition to those five blunt  
5 force injuries, there was a sixth bean bag that  
6 not only hit Brendan, but also penetrated the  
7 skin, penetrated the fascia, penetrated into the  
8 hamstring itself, and you recovered the bean bag  
9 and the cap from the injury, correct?

10 A. Yes. That's Injury No. 5.

11 MR. HEINEMAN: May I approach, your  
12 Honor?

13 THE COURT: Yes.

14 BY MR. HEINEMAN:

15 Q. And I've just shown you one of your photos  
16 from the autopsy.

17 Does that photo depict the bean bag in  
18 Site -- in Site 2 in Brendan's hamstring?

19 A. Yes. Do I need to show to anybody?

20 Can I explain.

21 Q. Well, you can show the Judge. Tell us what  
22 we're seeing in that picture.

23 A. So this is the back of the thigh, this is the  
24 back of the knee; you can see a little bit of the  
25 abrasions here.

1 I have cut part of the muscle. You can  
2 see the defect where the projectile went in, and  
3 then this, it just almost looks like part of the  
4 muscle, but this is part of the bean bag  
5 projectile. That's the tail of it.

6 Q. Thank you.

7 MR. HEINEMAN: I'd offer that as the next  
8 exhibit, your Honor.

9 THE COURT: All right.

10 THE CLERK: Twenty-three.

11 MR. VAN EPPS: No objection.

12 MR. MCDONALD: No objection.

13 THE COURT: Twenty-three?

14 THE CLERK: Twenty-three, yes, your  
15 Honor.

16 (Exhibit No. 23, Photograph, received  
17 into evidence.)

18 BY MR. HEINEMAN:

19 Q. Now, Doctor, the photo that was marked  
20 earlier, I believe it was Exhibit 21, shows the  
21 bean bag and a red disk that were actually  
22 removed from Brendan's body, right?

23 A. Yes.

24 Q. Now, am I right that the way these bean bag  
25 shotgun shells work is there's a cap on the end

1 of them to hold the bean bag in; then when the  
2 projectile is fired, the cap falls away, the bean  
3 bag releases, and strikes the target?

4 A. That's how I understand they work, yes.

5 MR. MCDONALD: Objection.

6 THE COURT: Overruled.

7 BY MR. HEINEMAN:

8 Q. And are you aware -- well, strike that.

9 That red cap that we're seeing in the  
10 picture that you took out of Brendan's hamstring  
11 is the cap from one of those shotgun shells,  
12 correct?

13 A. I assume it's the one that was with that  
14 particular bean bag.

15 Q. Could you tell anything from the wound on the  
16 back of the leg and/or how deeply that cap and  
17 bean bag penetrated into Brendan's leg, could you  
18 tell anything about the proximity of the shotgun  
19 to Brendan at the time that bean bag was fired?

20 A. I cannot.

21 Q. How deep did it penetrate?

22 How deep into Brendan's leg was that red  
23 cap?

24 A. So normally we don't document the depth of  
25 penetration with gunshot wounds -- that's not a



1 common practice -- so I didn't do it in this  
2 case.

3 Q. Okay. Based on your examination of the body  
4 of Brendan Reilly, you can document at least six  
5 separate bean bag strikes to Brendan, correct?

6 A. Yes. Let me just double-check. It was --

7 Q. Take your time.

8 A. -- one, two, three, four, five, so it was the  
9 five nonpenetrating ones, and then the sixth  
10 would be the penetrating one, yes.

11 Q. And it wasn't the bean bags that killed him;  
12 it was the -- the bullets primarily to the upper  
13 chest and probably lower abdomen as well?

14 A. Yes.

15 But the way we conduct our investigation  
16 and the way we certify our deaths, you know, all  
17 these penetrating injuries are counted in a way  
18 towards the calling it a multiple gunshot wound;  
19 but, like I was saying, if you want to go into  
20 the more nitty-gritty and say what is acutely  
21 more lethal, then, yes, the chest wounds are more  
22 acutely lethal.

23 Q. Last question on that.

24 Focusing solely on the penetrating bean  
25 bag wound --

1 A. Okay.

2 Q. -- left untreated, lethal?

3 A. Yes, absolutely.

4 MR. HEINEMAN: That's all.

5 Thank you.

6 THE COURT: Anything on that?

7 EXAMINATION

8 BY MR. VAN EPPS:

9 Q. Left -- so you were just asked --

10 THE COURT: Right.

11 And I think everything left -- I think  
12 the testimony is everything left untreated is  
13 potentially lethal.

14 THE WITNESS: Yes.

15 THE COURT: If it's penetrating.

16 MR. VAN EPPS: Then I have nothing  
17 further.

18 THE COURT: Thank you, Doctor.

19 THE WITNESS: Am I dismissed?

20 (Witness excused.)

21 MR. CLERK: There were a number of  
22 exhibits that were kind of passed on. I just  
23 want to make sure we've got everything.

24 THE WITNESS: Yeah, I think I have one.

25 MR. CLERK: Eighteen, 19.

IMPOUNDED TRANSCRIPT

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1 THE WITNESS: I have 19.

2 THE COURT: I've got 18 and 23, and I've  
3 got -- oops.

4 MR. VAN EPPS: And I've got 19.

5 THE COURT: Nineteen.

6 THE CLERK: Eighteen, 19, 20, 21.

7 THE COURT: Twenty. Eighteen, 19, 20,  
8 21, 22, 23.

9 THE CLERK: Yeah, (inaudible).

10 THE WITNESS: Have a good afternoon,  
11 everyone.

12 THE COURT: Thank you, Doctor.

13 MR. HEINEMAN: Your Honor, if we could  
14 take a brief morning break --

15 THE COURT: Sure.

16 MR. HEINEMAN: -- and we can get the  
17 clients in and resume (indiscernible).

18 THE COURT: That's fine.

19 THE COURT OFFICER: Court. All rise.  
20 Court will be in recess. You may be  
21 seated.

22 (11:00 a.m. court in recess.)

23 (11:16 a.m. court resumes.)

24 THE COURT OFFICER: Court is back in  
25 session.

1           You may be seated.

2           MR. VAN EPPS: Good morning again still.

3           Commonwealth calls Vikas Kinger.

4           THE COURT OFFICER: Raise your right  
5 hand; face the clerk.

6           THE CLERK: Sir, do you solemnly swear or  
7 affirm that the testimony you'll provide the  
8 Court today will be the truth so help you God?

9           THE WITNESS: I do.

10           VIKAS KINGER, SWORN

11           THE COURT OFFICER: You can have a seat  
12 right here, sir.

13           THE COURT: Good morning, sir.

14           Mr. Kinger, before we get started with  
15 the questioning, I've been asking or making the  
16 same request of all the witnesses, which is an  
17 inquest is supposed to be a closed, confidential  
18 hearing until the report is generated and a  
19 decision is made about the facts of the case.

20           I can't order you not to talk to anybody  
21 about it, but I'd request that you not talk about  
22 this until the Court -- until you find out from  
23 the DA's office that the report has been  
24 generated, okay?

25           Thank you.

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EXAMINATION

BY MR. VAN EPPS:

Q. Good morning, sir.

A. Good morning.

Does this thing work?

THE COURT: Yes.

BY MR. VAN EPPS:

Q. Yes, I can hear you.

Could we have your full name and could you spell it for our court reporter?

A. Vikas Kinger, V-I-K-A-S, K-I-N-G-E-R.

Q. Great.

Sir, do you live in the Town of Lexington?

A. Yes, I do.

Q. What do you do for a living?

A. I'm a computer engineer, software engineer.

Q. Okay. And how long have you had that employment?

How long have you done that?

A. Overall 25 years.

Q. Twenty-five years, okay.

A. Yeah.

Q. And are you familiar with the area where there's the rotary at the end of Hancock and it connects to North Hancock and Burlington and to

1 the school?

2 A. I -- very well. My -- I know that area very  
3 well, yes.

4 Q. Okay. I imagine you've walked there many  
5 times?

6 A. I do.

7 Q. How far is your home from that area, walking?

8 A. It's approximately 1.5 miles.

9 Q. Okay.

10 A. So up and down is three miles from my home.

11 Q. Okay.

12 A. From the rotary.

13 Q. And I want to ask you some questions about  
14 February 12th of this year, February 12th?

15 A. February, yeah, yeah, um-hum.

16 Q. Were you out walking around noontime going  
17 towards the rotary?

18 A. Yes.

19 Q. And who were you with?

20 A. I was with my son.

21 Q. Okay.

22 A. And my wife. We three of us took off.

23 She is a walker, and me and my son were  
24 runner, so we were kind of way ahead of her.

25 Q. Okay.

1 A. She was far behind, you know.

2 Q. And as you got to -- as you got closer to the  
3 circle, to the rotary --

4 A. Yeah.

5 Q. -- did you become aware of any -- any noises  
6 or anything that drew your attention?

7 A. That's exactly what happened.

8 Q. Tell me.

9 A. As I crossed Kinneen Park, right where the  
10 Redcoat Street is, I met another -- me and my son  
11 were kind of walking --

12 Q. Um-hum.

13 A. -- so this -- met gentleman and his son, they  
14 were also there, so I was talking to those two  
15 folks, especially to the gentleman who was older,  
16 was of my age, approximately my age, so as I was  
17 talking and I crossed the Redcoat Junction, you  
18 know, that Burlington Street and Redcoat Street.

19 Q. Yeah.

20 A. So we were right at that location, you know,  
21 and then I hear the sound, a noise, a police car  
22 parked on the other side of the rotary, you know,  
23 and -- and I hear the sound, and I see suddenly  
24 this -- a man falls onto the street.

25 He falls onto the street, and I have no

1 idea what was happening because that -- that area  
2 was obscured to me.

3 I wasn't able to see what was on the other  
4 side of the rotary --

5 Q. Where you had come from?

6 A. -- I was only looking at the Burlington  
7 Street, heading that rotary, yeah.

8 Q. Okay.

9 A. So this man falls -- falls on the ground, and  
10 that's where I started looking, paying -- I was  
11 ahead of this other gentleman I was talking to,  
12 so I had a clear visual of that location.

13 Q. So that's what you're seeing.

14 What are you hearing at this time?

15 A. It was -- it was a sound of the gentleman who  
16 fell down on the street, it was his -- these were  
17 not very current sounds, these -- these were like  
18 a noise or some, like, somebody who is in pain,  
19 screaming, you know, making that loud sound --  
20 sounds, yeah.

21 Q. You couldn't make out the words?

22 A. I couldn't make out the words.

23 Q. Okay. But you took from the tone that the  
24 person was -- the tone of the person's voice was  
25 what?



1 A. It was -- it was -- you can call it either a  
2 person is either in pain or he is making these  
3 incoherent screams, you know, shouts, you know,  
4 shouting, you know.

5 Q. Okay. Could you hear anybody else talking?

6 A. Oh, I saw the policeman.

7 Q. Okay. Tell me about that.

8 A. The policemen came and they pointed gun at  
9 him; and they were saying, Stay down, Stay down.

10 And this gentleman, who was on the ground,  
11 he had his head raised up, you know, he -- his  
12 body's on the ground, but his head's lifted up,  
13 and he was still making that sound, wasn't paying  
14 attention to what he's being asked to do, you  
15 know.

16 Q. Is -- is the -- is he making those noises  
17 while the police are telling him to stay on the  
18 ground?

19 A. Yes.

20 Q. They're both happening?

21 A. They're both happening at the same time.

22 Q. Okay. And how many police did you see  
23 approach him?

24 A. I -- I had a clear visual of one police  
25 officer. I think there were two. I believe

1 there were two.

2 Q. Okay. And in terms of -- could you make out  
3 what they were saying, apart from, Stay on the  
4 ground?

5 A. It's my guess that they were saying, Stay  
6 down, stay down, you know.

7 Q. All right. Now, you were describing the --  
8 the man and his head being up.

9 What else could you see about what the man  
10 was doing?

11 A. Well, so as he was being asked to stay down,  
12 he -- he started to make move -- movements to  
13 stand up.

14 Q. Okay.

15 A. So he -- he's lying on the ground, his head  
16 is raised up, and he's -- and so I'm looking at  
17 him, and I look this way; and he's lifting his  
18 hand up to kind of put -- to use both his hands  
19 together, you know.

20 So he -- he actually stood up, I saw him  
21 stand -- stood up.

22 Q. Okay. Could you observe whether the man had  
23 anything in his hands?

24 A. The man?

25 Q. Could you tell if the man had anything in his

1 hands?

2 A. No, no.

3 Q. He did not?

4 A. I don't, no, I could not see anything.

5 Q. All right. So what happened after the man  
6 stood up?

7 A. Well, that's when -- so as he stood up, he  
8 started to walk towards the -- where the police  
9 officers -- because as he stood up, he started to  
10 move forward, the policeman, the officer started  
11 to move backwards.

12 Q. Um-hum.

13 A. So, as he moved, and my line of sight, I  
14 couldn't see what happened afterwards.

15 Q. Um-hum.

16 A. And I turned around, and -- and I walked back  
17 towards my home.

18 I started walking back to my --

19 Q. Okay. Is there a point at which you hear  
20 other noises, not -- not talking, not shouting,  
21 but other noises?

22 A. Oh, when I turned -- turned around, started  
23 back, walking back towards my home, I hear pop,  
24 pop, pop.

25 Q. Okay. And did you hear them, you know, at

1 that speed, like the way you just did them, like  
2 pop, pop, pop, or were they --

3 A. Oh, yeah, they were pretty consecutive pops.

4 Q. Did you hear any other loud noises, apart  
5 from the pops you've just described?

6 A. Well, my memory doesn't serve me. I -- so  
7 that -- when -- when I was talking to this  
8 gentleman whom I met after I crossed Kinneen  
9 Park; and all the sounds that got my attention  
10 towards the rotary -- I think there were some  
11 sounds, but I'm not really sure.

12 I -- I clearly remember the guy -- my --  
13 my -- my recollection of that particular event  
14 was when I hear the sound of the -- the gentleman  
15 shouting, crying, or, you know, that was what got  
16 my attention.

17 I don't know what happened before that. I  
18 cannot say whether there were other sounds like  
19 pop pop before -- before I turned my attention.

20 Q. Did you hear any later after that or was that  
21 the only --

22 A. No, that was the only one, yes, yes.

23 Q. Do you -- before the man stood up, can you  
24 tell us anything about his movements, between  
25 when he's down and when he's up?

1 A. His movements, as -- his head was raised up  
2 and his -- so -- so he's, like, lying on the  
3 ground, his head raised up, and he's being asked  
4 to stay down and he's continuously making that  
5 sound.

6 And then he moves his left arm towards the  
7 other side to kind of stand up, so that's all the  
8 movement I saw.

9 Q. Okay. And when you -- when you were -- you  
10 came forward and talked to the police --

11 A. Yes.

12 Q. -- in February at some point, right?

13 A. I did.

14 Q. And when you were interviewed by the  
15 detective then, am I correct in thinking that you  
16 sort of -- you described the man's -- whatever he  
17 was saying, you couldn't -- you couldn't make out  
18 words, but it was yelling and screaming?

19 A. Yes, yeah, it was.

20 Q. And were you at the corner of Burlington and  
21 Redcoat watching this?

22 A. I had crossed that intersection, so I'm --  
23 I'm maybe a few feet towards the rotary --

24 Q. Um-hum.

25 A. -- from the -- from that intersection.

1 Q. Okay.

2 MR. VAN EPPS: If I could just have a  
3 minute. Okay.

4 BY MR. VAN EPPS:

5 Q. So you're -- you're watching -- you have a  
6 line of sight of the rotary, but you're some  
7 distance away?

8 A. Yes, yes, yes.

9 MR. VAN EPPS: I don't have anything else  
10 for Mr. Kinger, Judge.

11 MR. MCDONALD: No questions.

12 THE COURT: Mr. Heineman.

13 EXAMINATION

14 BY MR. HEINEMAN:

15 Q. Morning, Mr. Kinger.

16 A. Good morning.

17 Q. You were 100 meters away?

18 A. I cannot say 50 meters or a hundred meters,  
19 but there was a distance, yes.

20 Q. Do you remember telling the police when you  
21 were interviewed five days later that you were  
22 approximately 100 meters away?

23 A. I -- I -- I have corrected myself since then,  
24 but I remember saying a hundred meters.

25 Q. Okay.

1 A. Yeah.

2 Q. So whatever's right, tell me what the  
3 approximate distance you were away.

4 A. Yes.

5 Q. How far do you think you were away from the  
6 man on the ground?

7 A. Well -- well, I tried to calculate the  
8 distance, you know.

9 I thought it's probably 50 meters, you  
10 know.

11 Q. Okay.

12 A. Fifty.

13 Q. Now, you also told -- well, by the way, you  
14 and I haven't had a chance to meet before, right?

15 A. True.

16 Q. You have had a chance to meet with the  
17 district attorneys?

18 A. Yes, yes.

19 Q. Did they show you a copy of the police report  
20 that the Lexington police prepared about their  
21 interview with you?

22 A. No, no.

23 Q. So the police say that when you spoke to  
24 them, in addition to hearing the man yelling and  
25 screaming, you heard the police yelling, heard

1 the police yelling as well.

2 Did you hear the police yelling, too?

3 A. No, no. I never said police yelling. Police  
4 were saying, Stay down.

5 No, I would -- these words are my own  
6 words, because I could see the police officer  
7 pointing gun at him, and saying, Stay down or  
8 something.

9 They were saying something to him, but  
10 they were not yelling.

11 Q. Okay.

12 A. They were not yelling.

13 Q. So if the police report says that you said  
14 the police were yelling, that's a mistake?

15 A. Oh, I would -- I never said that police were  
16 yelling.

17 Q. Okay. The type of gun that the police  
18 officer was holding, was it a handgun or a long  
19 gun?

20 A. Oh, it was -- it was handgun.

21 Q. Okay.

22 A. Yeah, it was, like -- I'm not expert on guns.  
23 It's, like, a, you know, those small guns they  
24 carry in their pockets, you know.

25 Q. Okay. So --



1 A. Yeah, yeah.

2 Q. -- I'm not an expert either, so let's just  
3 get phrases that we both can agree on.

4 The type of gun that goes in a holster  
5 I'll call a handgun --

6 A. Yeah, yeah, yeah.

7 Q. -- and a longer gun that's a rifle that you  
8 hold like this I'll call a long gun.

9 A. Yeah, I didn't see the long gun.

10 Q. You didn't see the long gun?

11 A. No, no, no.

12 Q. Okay. The -- the police also say that you  
13 told them that you heard some shots before the  
14 man fell.

15 A. See, that's a memory that I mentioned, I  
16 don't remember. I -- I must have heard  
17 something; I don't know, because I was talking to  
18 this gentleman who had just moved into Lexington  
19 and we were just talking about school system in  
20 the town, and that's -- that's when this, if  
21 that -- if I had said that, I must have heard  
22 during that conversation, and then I may have  
23 turned my head around and I see this gentleman  
24 falling.

25 And I'm not denying that -- that I didn't

1 say that, I must have said it; I may have heard  
2 some sounds prior to seeing the gentleman falling  
3 on the ground, but I don't have 100 percent  
4 memory recollection.

5 Q. Okay.

6 A. Yeah.

7 Q. Your memory of these events was a little  
8 fresher five days after the incident than today?

9 A. Exactly, yes, yes.

10 Q. I want to talk about just last area very  
11 quickly, timeframe.

12 How long would you estimate it was from  
13 the time your attention was first drawn to the  
14 rotary to the time you turned around headed back  
15 towards your house?

16 Are we talking minutes? Seconds?

17 A. Oh, it was minutes.

18 Q. So --

19 A. Well, definitely not seconds. It -- it  
20 happened so -- so what happened, as this  
21 gentleman stood up, right, after being asked to  
22 stay down, he stands up; and then he starts  
23 walking towards the police officers.

24 And -- and as he stood up and he took a  
25 step, I turned around.

1           And -- and I talked to myself, it's not --  
2           it's not going to be a good ending, so I turned  
3           around and I started walking.

4           And within, like, taking few steps, I hear  
5           these sounds -- pop, pop, pop -- you know.

6           Q.    I'm going to ask you about that sequence of  
7           events in a moment, but I just want to get a  
8           sense of the total time from the time your  
9           attention was first drawn to the rotary to the  
10          time the man you say stood up.

11          How long was that?

12          What's your best estimate of time?

13          A.    Maybe a minute, minute and a half maybe, you  
14          know, two minutes max probably, yeah.

15          Q.    Okay.  Now, you've told us about those last  
16          sounds that you heard -- the pop, pop, pop.

17          Did you hear any different sounds just  
18          before those final pop pop pops?

19          A.    Before the final -- no, no, I did not hear  
20          any other sounds, yeah.

21          MR. HEINEMAN:  Thank you, Mr. Kinger.

22          Thank you very much.

23          THE COURT:  Anything on that?

24          MR. VAN EPPS:  No, thank you.

25          THE COURT:  Thank you very much, sir.

1 THE WITNESS: Thank you.

2 (Witness excused.)

3 MR. VAN EPPS: The next witness is going  
4 to be Patricia Jenness.

5 THE COURT OFFICER: What was the last  
6 name?

7 THE COURT: Jenness.

8 MR. VAN EPPS: Jenness.

9 THE COURT OFFICER: Raise your right  
10 hand; face the clerk.

11 THE CLERK: Do you solemnly swear or  
12 affirm that the testimony you'll provide the  
13 Court today will be the truth so help you God?

14 THE WITNESS: Yeah, I do.

15 PATRICIA JENNESS, SWORN

16 THE COURT OFFICER: Have a seat right  
17 over there.

18 THE COURT: Good morning, ma'am.

19 Before we get started, I just have a  
20 request that I've been making of all of the  
21 witnesses, which is -- so an inquest is supposed  
22 to be a confidential proceeding until a report is  
23 generated.

24 I can't order you not to talk about your  
25 testimony with anybody, but I'd request that you

1 not do that --

2 THE WITNESS: Okay.

3 THE COURT: -- until you learn from the  
4 DA's office that a report's been done, okay?

5 THE WITNESS: Um-hum.

6 EXAMINATION

7 BY MS. GEMMILL:

8 Q. Good morning, ma'am.

9 A. Good morning.

10 Q. Can you please tell us your first and last  
11 name and spell them both for us, please?

12 A. Sure. Patricia Jenness, P-A-T-R-I-C-I-A,  
13 J-E-N-N-E-S-S.

14 Q. Can you tell us your date of birth, ma'am?

15 A. 10/18/65.

16 Q. Do you currently work?

17 A. I do.

18 Q. What do you do for work?

19 A. I -- I am a crossing guard for Lexington, and  
20 I work for high school, the high school, as a  
21 monitor.

22 Q. How long have you been working as a crossing  
23 guard?

24 A. Six or seven years maybe.

25 Q. And how long have you worked for the school?

1 A. Since last spring.

2 Q. Where do you live currently?

3 A. 76 Reed Street.

4 Q. Is that in Lexington?

5 A. Lexington, um-hum.

6 Q. How long have you lived in Lexington?

7 A. My whole life.

8 That residence, 30 -- 33, 32 years,  
9 something like that.

10 Q. Are you familiar with the rotary that's in  
11 the area of Hancock Street, North Hancock Street,  
12 Burlington Street?

13 A. Very well.

14 Q. How frequently would you say that you go  
15 through that area of Lexington?

16 A. Often, often.

17 Q. Do you go through there on foot or on car or  
18 other things?

19 A. Car.

20 Q. Okay.

21 A. Um-hum.

22 Q. How far away from where you live is that  
23 rotary?

24 Like, how long does it take you to get  
25 there, do you think?

1 A. Two or three minutes maybe; maybe a little  
2 longer, five minutes.

3 Q. Do you have a family currently?

4 A. I do.

5 Q. And do you have kids?

6 A. I do.

7 Q. All right. And, in February of 2022, did you  
8 have a -- one of your children attending the  
9 Diamond Middle School or going to do something at  
10 Diamond Middle School?

11 A. Yes. Ryan.

12 Q. Your son, Ryan?

13 A. Um-hum.

14 Q. Okay. So I'm going to turn your attention  
15 now to February 12th.

16 Did you have to bring your son to the  
17 Diamond Middle School on that day?

18 A. I did.

19 Q. Do you remember about what time of day it was  
20 that you were taking Ryan to the Diamond Middle  
21 School?

22 A. It was probably mid -- midday.

23 Q. Midday?

24 A. I can't remember -- midday, yeah. Midday.  
25 He was going to basketball.

1 Q. He was going to basketball?

2 A. I have nine children, so, yeah, so he was  
3 going to basketball that day, so keeping that is  
4 going to be tough, but I would say midday.

5 Q. Okay. How do you and Ryan get to the  
6 basketball game?

7 Like, what's your path?

8 A. The route?

9 So we come down -- we come down -- I  
10 should know all this, (indiscernible) Hamilton  
11 into the rotary and then up through onto  
12 Diamond's back entrance.

13 Q. Okay. So you come up Hamilton Road and then  
14 head into the -- into the rotary --

15 A. Correct.

16 Q. -- and then go up to the little road that  
17 goes into Diamond?

18 A. Yes.

19 Q. Okay. And are you in -- in your car or --

20 A. In my car, um-hum.

21 Q. All right. Anyone else in the car with you  
22 besides you and your son?

23 A. Nope, just Ryan and I.

24 Q. Okay. As you approached that rotary, did you  
25 notice anything?



1           Like, as you were on your way to the  
2 middle school that day, did you notice anything  
3 unusual?

4           A.   As I approached the rotary I did not; as I  
5 came into the rotary I did, and as I went further  
6 down the road I did.

7           Q.   Okay.  What did you first notice that seemed  
8 unusual when you entered that rotary?

9           A.   So I noticed that when I first entered the  
10 rotary, I noticed some police in the -- I think  
11 the first police officer I noticed was on -- I  
12 don't know what Diamond Lane's road is, I should  
13 know these names, but I'm not sure that the Di --  
14 the first police officer I noticed was on Diamond  
15 Lane.

16                  Prior to -- I think I just came around the  
17 corner -- actually, when I first went in to  
18 Diamond, I didn't see anyone to the left.  The  
19 first police officer on the entrance is what I  
20 noticed first.

21                  So if you're asking me if I came into the  
22 rotary, did I see something, no.

23                  I came in the rotary, passed the rotary,  
24 and then on the right-hand side, I did see one  
25 police officer.  That's when I first noticed

1 something --

2 Q. Okay.

3 A. -- going on.

4 Q. So you drive up Hamilton Road, you merge into

5 the rotary --

6 A. Um-hum.

7 Q. -- it goes counterclockwise, correct?

8 A. Um-hum.

9 Q. You head up towards Diamond Lane, and where

10 is that first police officer that you see?

11 A. He was on the right-hand side walking along

12 Diamond Lane.

13 Q. Could you tell what direction that officer

14 was headed?

15 A. He was headed towards the rotary.

16 Q. Towards the rotary?

17 A. Um-hum.

18 Q. All right. So kind of, like, the opposite

19 direction from where you were going to be headed?

20 A. Correct.

21 Q. The officer was on foot, correct?

22 A. Um-hum.

23 Q. I'm sorry, can you say "yes" or "no" for the

24 record.

25 A. Yes, sure.

1 Q. Thank you.

2 A. Yes.

3 Q. Did you notice whether or not there were any  
4 police cars in the area at that time?

5 A. I think there was one to the left on Grove  
6 Street, I think.

7 In fact, there was some -- I think there  
8 was a car somewhere around there, but I'm not  
9 positive.

10 Q. Okay. At that time when you first noticed  
11 the police officer, you know, walking into the  
12 rotary area, did you see anything -- anyone else  
13 in the rotary, like, or anything else that was  
14 going on?

15 A. I don't think I remember seeing anything at  
16 that point.

17 I think the first thing I saw was the  
18 police officer on Diamond Lane.

19 Q. Okay. Did you notice whether or not that  
20 police officer was holding anything?

21 A. I did, yes.

22 Q. What did you see the police officer holding?

23 A. He was holding a rifle.

24 Q. Can you just describe for us what that looked  
25 like?

1 A. It was a big rifle.

2 And I'd said to my son, that -- why I  
3 remember this, I said to my son, Oh, you see the  
4 rifle, that's (indiscernible) -- the police  
5 officer's holding that rifle.

6 So it was just a big rifle, he was walking  
7 along holding it.

8 Q. Okay. You're kind of making some gestures  
9 with your hands.

10 Can you describe to us, like, how the  
11 officer had the rifle positioned?

12 A. He was holding it down. I think just holding  
13 it -- I can't say strapped on, but he was holding  
14 it, and it was pointing down, downward, and just  
15 walking down the street.

16 It was a quick -- quick moment as I drove  
17 by. I didn't really get to see so much.

18 Q. Got it.

19 It looks from the positioning of your  
20 hands that the officer was holding this rifle  
21 with two hands?

22 A. Um-hum.

23 Q. Am I accurate that about that?

24 A. Um-hum. Um-hum. Yes.

25 Q. Okay. And so one of the hands was up higher

1 and one of the hands is down lower?

2 A. Yes.

3 Q. Okay. Could you see any other details about  
4 that rifle at that time, like, anything about its  
5 color, anything about its size?

6 A. I would have to say brown.

7 Q. Okay.

8 A. Brown, I think, but I'm not positive.

9 Q. Okay. Okay. So you noticed this officer.

10 What do you do next?

11 A. I kept driving.

12 Q. And do you go up the -- the lane that leads  
13 you to the Diamond Middle School?

14 A. Um-hum. Yes.

15 Q. Okay. Where do you go from there?

16 A. So I drove down to the -- to the entrance of  
17 Diamond and I dropped off Ryan.

18 Q. Okay.

19 A. And I stopped for a minute and then I -- for  
20 a minute or two -- and I made sure he got in, and  
21 then I went back around down the lane again.

22 Q. Okay. Before you head up the lane towards  
23 the middle school, did you hear anything outside?

24 A. No.

25 Q. All right. How about while you're dropping

1 your son off, do you remember hearing any noises  
2 outside?

3 A. No.

4 Q. Okay. All right. So you drop off your son;  
5 you wait for a little bit.

6 About how long do you think you stayed  
7 outside the school before heading on your way?

8 A. You know, a minute or two. It was quick.

9 I did watch him enter the school; make  
10 sure he got in, so I would say a minute or two, a  
11 couple of minutes.

12 Q. Okay. Do you half to turn around to get back  
13 out of the middle school?

14 A. You go around the -- in the -- whatever  
15 direction the traffic is supposed to go, so I  
16 went naturally in and around and back down the  
17 same street I came in.

18 Q. Okay. Does that take you back to the rotary  
19 then?

20 A. It does, yes.

21 Q. Okay. What would your normal path be to get  
22 back onto that rotary, like, where would you be  
23 headed from there?

24 A. Home.

25 Q. Okay.

1 A. So I would go back -- I'd come down Diamond  
2 Lane, go back onto the rotary; to the right of  
3 the rotary, Grove Street would be on the right,  
4 so you enter the rotary from Diamond Lane, Grove  
5 Street's on the right, and then there's what,  
6 North Hancock, and then Hamilton.

7 So I'd usually go down around past Grove,  
8 past Hancock, and take a right onto Hamilton.

9 Q. And you would get back on Hamilton to take  
10 you back home?

11 A. Correct. Right.

12 And then (indiscernible).

13 Q. All right. As you get back to that first  
14 intersection with the rotary, tell us what you  
15 see next.

16 A. So as I came onto the rotary, I noticed, you  
17 know, on the side I saw several officers  
18 standing -- I got a glimpse of rescue and a  
19 police car somewhere; and I noticed several  
20 officers, I want to say three or four, standing  
21 on the side of the road.

22 Q. Did you have a sense of, like, where, like,  
23 what part of the road they're standing in?

24 A. They were on the -- if you're going down  
25 Grove Street, you know, towards Bedford, they

1 were on the right-hand side.

2 Q. And you mentioned the word "rescue."

3 Were you seeing, like, a fire truck or  
4 ambulance or --

5 A. No, I just noticed the back of the rescue was  
6 set forth, and I think there was another police  
7 car down that way.

8 There's one somewhere around there, down  
9 that way, a police car.

10 Q. When you were coming up to the rotary, were  
11 you able to get through?

12 Like, could you actually continue driving  
13 from that point?

14 A. Oh, yes, yes.

15 They were over to the right. They weren't  
16 in the rotary. They were over to the right of  
17 the rotary.

18 Q. Okay. Did you, in fact, drive into the  
19 rotary at that time or --

20 A. I did --

21 Q. All right.

22 A. -- drive into the rotary.

23 I noticed them when I was driving, when I  
24 was pulling into the rotary.

25 Q. Okay. At some point while you're in the



1 rotary, do you stop to watch what's going on or  
2 do you continue on your way to Hamilton?

3 A. So I continued on my way to Hamilton.

4 Q. Okay.

5 A. And I pulled over there.

6 Q. So I'm going to show you a map of this area.

7 Let's see if I can find my Sharpie here.

8 Got it. So it's just a map of this area.

9 I'm going to show you the rotary here.

10 Would you be able to -- well, first of all, do  
11 you recognize this as a map of the rotary we've  
12 been talking about?

13 A. Um-hum. Yes.

14 Q. Okay. Could you just put your initials on  
15 the roadway, in, like, where you're entering the  
16 rotary after you dropped your son off?

17 A. My -- okay. So I'm entering the rotary -- my  
18 initials?

19 Q. Yes.

20 A. Right here. So I'm entering right here.

21 Q. Okay.

22 A. (Inaudible.)

23 Q. So now, do you see on this map the location  
24 where the police officers were positioned within  
25 the rotary?

1 A. So over here.

2 Q. Over here, and you're pointing to Burlington  
3 Street?

4 A. Right over here. Correct.

5 Q. Could you mark a one, two, and three, or  
6 however many number officers you saw and the  
7 approximate spots you saw them, as best as you  
8 can remember.

9 A. I have nine kids, did I tell you that?

10 So my one, two, and three. Right here.

11 Q. Okay. I'm going to go ahead and introduce  
12 this as our next exhibit; and then I'm going to  
13 give this back to you and ask you a couple more  
14 questions about it, okay?

15 A. Sure.

16 Q. You can hang onto that.

17 A. Okay.

18 MS. GEMMILL: I'd ask that this be marked  
19 as our next exhibit.

20 THE CLERK: Twenty-four, your Honor.

21 MS. GEMMILL: Thank you.

22 (Exhibit No. 24, Map, received into  
23 evidence.)

24 BY MS. GEMMILL:

25 Q. I'll let you hold on to that for a second

1 while I ask you some more questions, okay?

2 A. Um-hum.

3 Q. Those officers, could you see what they were  
4 doing? Like, were they interacting with anyone?

5 A. So they -- when I drove into that rotary, I  
6 just got a glimpse of it.

7 I pulled over onto Hamilton and parked and  
8 then walked over.

9 My thought was -- I don't know if you want  
10 to hear my thoughts.

11 My thought was, I was a paramedic, I  
12 thought, Oh, Lexington Police is doing a drill,  
13 so I thought I was going to watch the drill, that  
14 was my thought, so I parked my car on Hamilton;  
15 and I walked over to the house on the corner, and  
16 I watched them on the corner from there.

17 Q. Okay. So when you first drive into the  
18 rotary, you notice the officers, that's the main  
19 thing that you're noticing, you notice the  
20 officers, rescue, you think they're doing a  
21 drill?

22 A. Correct, I just thought they were doing a  
23 drill, I didn't see any -- really much of  
24 anything else, and then I went around the corner.

25 And, you know, I am not sure when I

1 noticed that something was on the ground or  
2 someone was on the ground, but I went around the  
3 corner and parked on Hamilton, and that's when I  
4 came over and stood in the -- my friend's  
5 house -- I have a friend who lives on the corner  
6 there -- I stood in his yard and could see from  
7 there.

8 Q. Okay. Do you see the location on the map I  
9 gave you in Exhibit No. 24 where you walked to --

10 A. Um-hum.

11 Q. -- to watch what was going on?

12 A. Yes.

13 Q. Can you put your initials next to that spot,  
14 too, along with maybe a -- an A, or, actually a  
15 B, and you could put A next to your first set?

16 A. You want A?

17 Q. Put a -- put a B there, and --

18 A. (Inaudible.)

19 Q. -- put an A next to your (indiscernible).  
20 There we go.

21 Okay. And so you have put yourself,  
22 you're kind of right at the corner of North  
23 Hancock Street?

24 A. Correct.

25 Q. How would you describe your view to where

1 those police officers are?

2 A. I had a good view, I had a good view.

3 Q. By the time you've parked and walked to that  
4 house, that corner area of North Hancock Street,  
5 have the police officers changed position from  
6 where you first saw them?

7 A. I don't think so.

8 I think they looked similar to -- as I  
9 drove by quickly, you know -- it looked like --  
10 there could have been four of them, I think --  
11 I'm saying three, so I think there was three,  
12 but, no, nothing had changed --

13 Q. Okay.

14 A. -- in their position.

15 Q. Can you describe for us what you saw once you  
16 started watching?

17 A. So then when I was standing there, I realized  
18 that someone was on the ground.

19 And I couldn't see at first; again, when I  
20 went around the corner, I didn't -- at first I  
21 thought it was -- was it an animal, I wasn't sure  
22 what was happening on the ground; someone was on  
23 the ground, and, again, I was thinking of a  
24 drill.

25 So I stood on the street and I saw three

1 or four officers, I can't remember exactly how  
2 many.

3 And they were holding their guns and  
4 someone was -- someone was on the ground -- I  
5 realized someone was on the ground -- and they  
6 were standing there saying -- what were they  
7 saying? We want to help you. We want to help  
8 you.

9 And then I realized what was going on.

10 Q. Okay. Where was the -- did you realize there  
11 was an actual person on the ground?

12 A. I did at that point. Prior to that, I did  
13 not. At that point I did realize someone was on  
14 the ground.

15 Q. Can you tell us where that person on the  
16 ground was in relationship to those officers?

17 A. So probably, I would have to say, in the  
18 middle of the street, probably around the yellow  
19 line, I would guess, in the middle of the street.

20 Q. Okay. Can you draw a little circle for us on  
21 the map in the area where you saw that person on  
22 the ground?

23 During the time that you were watching the  
24 scene, did you see that person move a very far  
25 amount of space away from this?

1           Like, did they go to a different street or  
2 anything like that or are we talking about one  
3 area generally?

4       A.    No.

5           So I know the person kept trying to get  
6 up, and I'm trying to think what the words they  
7 were saying, Don't move, or, We're trying to help  
8 you, I remember them saying. We're trying to  
9 help you, Don't move, we're trying -- the words,  
10 I can't remember exactly the words.

11           But I know that person kept trying to get  
12 up and they were trying to coax that person not  
13 to get up.

14           And they said, Drop it, Drop it. They  
15 said, Drop it, several times. So that went on  
16 for a few minutes, and that person kept trying to  
17 get up, coming towards them.

18           And in that -- in that point there, I did  
19 hear some shots, some -- a couple of, whatever  
20 point that was, a couple of soft shots, quiet  
21 shots, and I wasn't sure what that was.

22       Q.    Okay. So I'm going to ask you, to kind of  
23 break this up into sort smaller parts, a little  
24 bit about the things that you saw.

25       A.    Sure.

1 Q. So when you first are realizing there is a  
2 person on the ground, could you tell whether the  
3 person on the ground was a man or a woman?

4 A. No, I couldn't.

5 Q. Okay. Could you tell anything about what the  
6 person was wearing from your vantage point?

7 A. No, no.

8 Q. All right. And the person on the ground, how  
9 were -- how was that person's body oriented  
10 compared to yours?

11 And what I mean is: Could you see this  
12 person's face? Could you see their back? Is it  
13 their side?

14 A. Side.

15 Q. The side?

16 A. It was the side.

17 Q. And was it the left side of that person or  
18 the right side?

19 A. I think the right side.

20 Q. The right side?

21 A. It was the right side.

22 Q. Okay. And how about the police officers, are  
23 you able to see them from the front or from the  
24 back or from the side?

25 A. From the side.



1           So I was more focused on them, I think.  
2 They -- I saw them from the left side, and they  
3 were next to each other.

4 Q.   Okay. Now, you mentioned that they had guns.

5           Did you see every one of those police  
6 officers holding a gun?

7 A.   I remember they had guns. I think so. I  
8 think they were all holding guns. I'm not  
9 positive, though.

10 Q.   Okay. Do you -- from -- the guns you do  
11 remember seeing, did you see any guns that looked  
12 like the rifle you'd seen that officer carrying  
13 when you first noticed somebody in the rotary  
14 earlier?

15 A.   Yes, they looked like rifles.

16 Q.   Did you see more than one of those guns?

17 A.   I think so. I think a couple of them had  
18 those guns.

19 Q.   Okay.

20 A.   I think so.

21 Q.   All right. Do you remember noticing anything  
22 else about those -- about those rifles that you  
23 didn't notice before, the first time you saw  
24 them?

25 A.   No.

1 Q. Okay. The man on the ground, were you able  
2 to see, as you first start watching and realize  
3 that this -- sorry, person on the ground, can you  
4 see whether that person has anything in their  
5 hands?

6 A. At that point, no.

7 Q. Okay. All right. And you said that the --  
8 you could hear police officers saying things to  
9 this person.

10 Were you hearing more than one voice  
11 talking or did it seem like there was one person  
12 who was speaking?

13 A. No, I think it was a couple of voices  
14 talking.

15 Q. And tell us again what are the words that you  
16 recall hearing?

17 A. So I remember hearing, We want to help, we  
18 want to help you, and they said -- I think they  
19 said, Drop -- drop it, we want to help you.

20 I want to say they said, Don't -- don't  
21 move, we want -- those -- the main things I  
22 remember is, We want to help you, and, Drop it.

23 Q. Okay. Could you tell anything about the tone  
24 of voice of the police officer speaking, like  
25 volume?

1 A. I think they were -- they were -- do I say  
2 appropriate?

3 They weren't -- they weren't too loud, and  
4 they weren't -- they were -- they were -- they  
5 were appropriate; and they were loud enough that  
6 I could hear them, but not overly, you know.

7 Q. Did it sound like the tone of their words  
8 changed at all throughout the interaction you  
9 were watching?

10 A. I don't think so.

11 Q. Okay. Could you hear whether or not the  
12 person on the ground was saying anything?

13 A. No.

14 Q. Could you hear whether the person on the  
15 ground was making any sounds, like, any  
16 vocalizations, even if you could make out words?

17 A. No.

18 Q. Okay. So you started to describe to us the  
19 movements of the person on the ground was making.

20 Can you explain for us in more detail,  
21 what were the -- what were the body movements you  
22 were seeing as you -- as you first started  
23 watching?

24 A. He was trying to get up. I think he was  
25 trying to get up.

1           At first I thought he was kind of  
2 struggling, he was trying to get up, so he kept  
3 trying to get up.

4 Q.   Okay.  And he was -- could you tell what he  
5 was sitting on?

6           Like, was he on his back?  Was he on -- on  
7 his butt?

8 A.   He was on his bum, sitting on the ground on  
9 his bum.  I want to say knees -- knees up like  
10 that, sitting on the ground like that, I think.

11 Q.   Okay.  You kind of have your knees, like,  
12 pulled in a little bit?

13 A.   I think, I think.  I think.  I'm not positive  
14 on that, but...

15 Q.   Okay.  Could you see how this person was  
16 trying to -- was he trying to stand up, from your  
17 perspective?

18 A.   He was trying to get up, yes.

19 Q.   Okay.  Could you see whether this person was  
20 using anything to help him stand up, like a hand  
21 or anything like that?

22 A.   I couldn't tell you that.

23 Q.   Okay.  Did you notice this person making  
24 any other movements while trying to get -- to get  
25 up?  Like, is there a direction this person was

1 moving or more than one direction?

2 A. Oh, he was heading -- heading towards the  
3 police officers.

4 Q. Okay. All right.

5 So you mentioned that you also heard  
6 sounds that were not voices that sounded like  
7 something else.

8 Can you describe the sound that you were  
9 hearing at this point?

10 A. So it was a quiet shot. It was a -- it  
11 sounded like a quiet shot, and I would describe  
12 it as a bean bag shot.

13 A bean bag shot, my kids have Airsoft  
14 guns, and those -- I mean, that's -- that's --  
15 that kind of stuff, it was quieter. It was  
16 quiet.

17 And I heard that a couple of times in that  
18 interaction of time.

19 Q. Could you tell where the sound was coming  
20 from?

21 A. From that area. I couldn't tell you exactly  
22 where.

23 Q. Okay. Did you notice whether or not the  
24 person on the ground had any reaction around the  
25 time that you were hearing those shots?

1 A. I couldn't tell that. I think it was all  
2 just too quick.

3 Q. Okay. Were you able to tell whether or not  
4 that person was being struck by anything at that  
5 point?

6 A. I think -- I think -- I couldn't tell you for  
7 sure that, but I think -- I would think so.

8 Q. Are there any movements you noticed that make  
9 you say that, or is it more you imagine that that  
10 is a likely scenario?

11 Like, well, did you actually -- did you  
12 see anything that made you think he was -- he was  
13 feeling something?

14 A. I think just the fact that he's trying to get  
15 up each time -- I use the word struggling a  
16 little bit -- he's trying to get up each time,  
17 and I can't remember the sequence of what  
18 happened with the soft -- soft, quiet  
19 (indiscernible) quieter shots, so I'm not sure.

20 Q. Okay. Could you tell sort of when  
21 those -- those shots sounds were happening?

22 Like, was it when the man was on the  
23 ground or was it when he was trying to get up?

24 A. When he was trying to get up.

25 Q. Okay. So he was -- he was trying to get up,

1 and then you would hear a sound?

2 A. Um-hum.

3 Q. What would happen after you would hear the  
4 sound?

5 A. I think -- I'm not sure what happened. I  
6 mean, I'm not sure what happened to him; but I  
7 know he continually tried to get up and I know at  
8 one point he went to run towards them.

9 Q. Okay. So -- so let's move -- let's move on  
10 to that piece of it.

11 During this interaction, are the -- how  
12 are the three police officers in front of him --  
13 the police officers in front of him positioned?

14 A. I think they remained pretty steady in that  
15 same spot, the -- the three of four of them  
16 (indiscernible) were there on the right-hand side  
17 of the road.

18 They were standing -- they were standing  
19 in the right-hand side of the road and they were  
20 pretty -- in that same spot.

21 Q. Okay. Are they all kind of in -- in front of  
22 him or, like, totally encircling him?

23 How would you describe that?

24 A. No, they weren't circling him. They were  
25 probably, you know, on the side of, you know,

1 again I'm looking -- I'm looking from this end.

2 They're to the right, they were in a row  
3 next to each other, and they were -- he was in  
4 the middle of the road and they were facing --  
5 they weren't around him; they were probably in  
6 front of him.

7 Q. Okay. Did you notice whether the positioning  
8 of any of those police officers changed?

9 A. I didn't notice.

10 Q. Okay. So you said that you saw this person  
11 get up.

12 Can you describe to us what you observed  
13 when that person got up?

14 A. So he struggled a couple times to get up. I  
15 know that the -- at the final time, I saw him --  
16 the final time he got up, I saw him run with his  
17 hand up towards the three officers.

18 Q. And you're lifting your right hand --

19 A. Right hand.

20 Q. -- up by your -- by your head in kind of a  
21 bent elbow?

22 A. Correct.

23 Q. Is that the hand that the --

24 A. I think so.

25 Q. -- that this person had lifted?



1 A. I think so.

2 That's what I -- I know he was running  
3 towards the officers with his hand up in the air.

4 Q. Okay. And so if he was running, had he  
5 actually gotten onto his feet?

6 A. Actually, I shouldn't say running, but he was  
7 up, he was moving, he was moving towards them, so  
8 yeah, he was on his feet.

9 Q. All right. Did you have a sense of how  
10 quickly he was moving towards the police  
11 officers?

12 A. No.

13 Q. Okay. What made you say that it -- you felt  
14 like he was running?

15 Like, were there things that you noticed  
16 that made you feel that --

17 A. He was moving, but I think at that last  
18 int -- the last time he got up, it was swiftly  
19 enough that he was moving towards them,  
20 running -- he was up, he was up and running --  
21 running towards them.

22 Q. Okay.

23 A. That's all I remember.

24 Q. With that hand, that right hand that was  
25 lifted, could you see whether or not the person

1 was holding something in that hand?

2 A. He was holding something. I couldn't see  
3 what it was.

4 Q. Okay. You couldn't see -- could you see  
5 anything about the -- about the shape of what he  
6 was holding or just tell that there was  
7 something?

8 A. There was something.

9 Q. Okay. Could you hear the man saying anything  
10 at that point?

11 A. No.

12 Q. Okay. So about how close does he get to  
13 those police officers? Like, does he bridge any  
14 of the gap that was between them?

15 A. He came right to the nuzzle [sic] of one of  
16 the guns.

17 Q. And what did -- what did you observe happen  
18 next?

19 A. And then I heard a louder shot -- I'm not  
20 sure how many -- but I know I heard a louder  
21 shot, and then he fell to the ground.

22 Q. Okay. The tone of that -- the louder shot,  
23 was that a different sound from the muffled sound  
24 you'd heard earlier?

25 A. It was louder, yes, it was louder.

1 Q. Okay.

2 A. It was definitely a different sound.

3 Q. Okay. Do you know how many of those sounds  
4 you heard?

5 A. You know, I'm not positive. I want to say  
6 two, but I'm not positive.

7 Q. Are you certain that you heard more than one?

8 A. No.

9 Q. Okay. There could have been --

10 A. No.

11 Q. -- anywhere from one to --

12 A. Yeah.

13 Q. Less than ten?

14 A. Oh, yes.

15 Q. Okay. What happened after you heard the --  
16 the shot, or that sound, the loud sound?

17 A. He fell to the ground, and immediately the  
18 officers went to him.

19 And then I saw the rescue come right over  
20 and they -- and they started CPR immediately.

21 Q. After the man fell to the ground, did you see  
22 him get back up at any point?

23 A. No.

24 Q. That was the last time?

25 A. Um-hum.

1 Q. I'm sorry, you need to say "yes" or "no."

2 A. Yes. Sorry about that.

3 Q. How long do you think you stayed watching  
4 after the man fell?

5 Did you stay in the area for a little bit?

6 A. They quickly -- no, they quickly extricated  
7 him. I was there for the CPR -- very quickly --  
8 and they -- and they put him in the rescue. It  
9 was quick.

10 It was probably, I would have to say,  
11 30 seconds, 30 seconds to a minute. They were  
12 fast in moving him.

13 Q. So Ms. -- am I saying your name correctly,  
14 Jenness?

15 A. Jenness. My husband would say Jenness; I'll  
16 say Jenness.

17 Q. Jenness, okay.

18 We'll go with -- we'll go with your  
19 pronunciation.

20 Do you remember giving an interview to the  
21 Lexington police pretty shortly after this  
22 incident?

23 A. I do.

24 Q. Okay. Do you remember how -- how it was it  
25 came to be that you were interviewed, like, did

1 you reach out or did someone come talk to you?

2 A. I reached out.

3 Q. And do you recall in speaking with the  
4 Lexington police, describing seeing a knife in  
5 the man's hand?

6 A. You know, I might have said that. I can't --  
7 honestly, I can't remember.

8 Q. Okay.

9 A. That fact, but I think that -- I can't  
10 remember, but I think that he had something as a  
11 knife in his hand.

12 Q. Okay. As you sit here today, you're not sure  
13 what the object was you were seeing?

14 A. He definitely had something in his hand.

15 Q. Okay.

16 A. Definitely.

17 Q. Okay. You've made a motion, you know,  
18 with -- with your hand several times for us.

19 Can you describe how the person was  
20 actually holding the object?

21 A. Like this.

22 Q. Okay. So just to describe it, you've got  
23 your fist raised up.

24 Did the person have his fist clenched  
25 around the object, around part of it?

1 A. No, I think he was clenched around, and he's  
2 running toward them.

3 Q. Okay. So when -- in this position, could  
4 you see whether or not the object was, like,  
5 protruding out of his hand in a certain  
6 direction?

7 A. He had something protruding out of his hand,  
8 yeah, yes.

9 Q. Okay. So whatever it was, you could see that  
10 it's coming out of the hand?

11 A. Yes.

12 Q. And in what direction is it aimed at, I  
13 suppose?

14 A. Towards the police officers.

15 Q. Towards the police officers, okay.

16 Did it look like a narrow object to you or  
17 a fat object?

18 A. No, I think it was a knife, but --

19 Q. Okay.

20 A. -- it's nine months ago, and I have nine  
21 kids, so I'm lucky I can remember today.

22 Q. Okay. I'm going to take Exhibit 24 back from  
23 you and (indiscernible).

24 Thank you.

25 MS. GEMMILL: Giving it back to the clerk

1 and, your Honor, I have no further questions for  
2 Ms. Jenness.

3 MR. MCDONALD: No questions.

4 THE COURT: Mr. Heineman?

5 EXAMINATION

6 BY MR. HEINEMAN:

7 Q. Good afternoon, Ms. Jenness.

8 We've just passed noon, so it is noon.

9 Good afternoon.

10 A. Yes.

11 Q. Just a couple of questions.

12 When you spoke to the police, it was a few  
13 days after the shooting --

14 A. Um-hum.

15 Q. -- your memories of what you had seen were a  
16 little fresher then than they are now?

17 A. Yes.

18 Q. In your interview with the police, you told  
19 them that you spent about five minutes there at  
20 the school before you drove back out.

21 Your memory today is that it was shorter  
22 than that?

23 A. No, it could have been five minutes.

24 Q. Okay.

25 A. It could have been five minutes.

1           Sure. You know, I drop my son off and  
2 he -- I wait, I typically wait and watch until  
3 they get in, so it easily could have been five  
4 minutes.

5 Q. Okay. And then I want to focus on -- I'm  
6 going to jump around in time a little --

7 A. That's okay.

8 Q. -- if I confuse you, let me know.

9           At the very end, you said a couple of  
10 times that after the -- the final shots, the  
11 police immediately rendered aid to the man; is  
12 that right?

13 A. Yes.

14 Q. When you say "immediately," what do you mean?

15 A. I mean "immediately" as right away.

16 Q. Within five seconds?

17 A. Well, probably -- well, probably within --  
18 probably within ten -- 10 seconds maybe, but it  
19 was very quickly.

20 Q. All right. So your best memory is from the  
21 time the man falls to the ground after being shot  
22 within 10 seconds there are people providing --

23 A. Care, yes.

24 Q. -- aid? Okay.

25           I want to focus on the sounds of the shots



1 a little bit.

2 A. Um-hum.

3 Q. You talked about one kind being a softer or a  
4 quieter shot, and another being a louder shot.

5 A. Um-hum.

6 Q. In the 10 seconds or so before the loud  
7 shots, how many soft shots did you hear?

8 A. I think there were, like, two or three of the  
9 soft shots.

10 I think there were a few of -- there were  
11 -- I think there were more soft shots than there  
12 were louder shots.

13 Q. And is that over the entire time you were  
14 watching or are we talking just the last few  
15 seconds?

16 A. I'm sorry, what do you mean the entire --

17 Q. I'm not sure if we were on the same page.

18 A. Oh, that's okay.

19 Q. Let me go back.

20 A. Sure.

21 Q. You were standing there watching this  
22 interaction for some period of time, right?

23 A. Yes.

24 Q. Several minutes?

25 A. Sure.

1 Q. Let's start with that.

2 During that entire time you were standing  
3 there watching, how many of these softer shots do  
4 you hear?

5 A. Probably, I would say, three.

6 Q. Now, moving forward in time to the end -- and  
7 you've told about the loud shot or shots you  
8 heard at the end.

9 A. Um-hum.

10 Q. Can you, in your mind, go back to just those  
11 10 seconds or so before that and tell me whether  
12 there were any soft shots within those few  
13 seconds before the loud shots?

14 A. Maybe. I'm not positive.

15 Q. Okay. And when you heard these soft shots,  
16 could you see that they were coming from the  
17 shotguns, the long --

18 A. No, I couldn't tell you that. I couldn't  
19 tell you where they were coming from.

20 Q. So you can't help us -- and I'm not saying  
21 that's bad, but just -- you can't help us as to  
22 which officers were shooting what?

23 A. Oh, no, no.

24 Q. Am I right that from where you were standing,  
25 you were looking across the rotary, the center

1 section of the rotary, to where this was going  
2 on?

3 A. Yes.

4 Q. And so you were looking across that grassy  
5 area.

6 And is there also a little island on  
7 Burlington Street where it exits off that rotary  
8 there?

9 A. There might be.

10 Q. Was the man when he was on the ground, or  
11 person, if you couldn't tell whether it was a man  
12 or woman, when the person, when they were on the  
13 ground, were they across the rotary and on the  
14 far side of that little island from you?

15 A. On the far side of that island, yes.

16 MR. HEINEMAN: Thank you very much.

17 THE WITNESS: Thank you.

18 THE COURT: Anything on that?

19 MS. GEMMILL: Nothing further.

20 Thank you.

21 THE COURT: Thank you very much.

22 THE WITNESS: I'm done?

23 THE COURT: All set.

24 THE WITNESS: Thank you.

25 (Witness excused.)

1 MR. VAN EPPS: Thank you.

2 I'm going to offer the Lexington police  
3 interview report of Mr. Kinger and Mr. --  
4 Ms. Jenness, excuse me.

5 THE COURT: All right. They're going to  
6 be 25 and 26.

7 THE CLERK: Twenty-five would be the  
8 Kinger; 26 Jenness.

9 (Exhibit No. 25, Kinger police report,  
10 received into evidence.)

11 (Exhibit No. 26, Jenness police report,  
12 received into evidence.)

13 MR. VAN EPPS: Commonwealth calls Davis  
14 Gould.

15 THE COURT OFFICER: (Inaudible.)

16 MR. VAN EPPS: Gould. Thank you.

17 THE COURT OFFICER: Raise your right hand  
18 and face the clerk.

19 THE CLERK: Do you solemnly swear or  
20 affirm the testimony you'll provide the Court  
21 today will be the truth so help you God?

22 THE WITNESS: So help me God.

23 DAVIS GOULD, SWORN

24 THE COURT: Mr. Gould --

25 MR. VAN EPPS: Good after --

1 THE COURT: Sorry.

2 Mr. Gould, before we get started, I've  
3 been telling -- making a request of all the  
4 witnesses, which is that an inquest is supposed  
5 to be a confidential proceeding until the report  
6 is generated one way or the other, so I'd -- I  
7 can't order you not to talk about your testimony,  
8 but my request would be that until a report is  
9 generated, I'd ask that you not discuss your  
10 testimony.

11 THE WITNESS: (Inaudible.)

12 EXAMINATION

13 BY MR. VAN EPPS:

14 Q. Good afternoon, sir.

15 A. Good afternoon.

16 Q. Could you give us your name and spell it for  
17 our court reporter, please?

18 A. My name is Davis Gould, spelled D-A, V, as in  
19 Victor, I-S. Last name is G-O-U-L-D.

20 Q. And are you employed, sir?

21 A. Yes, I am.

22 Q. By whom?

23 A. I'm employed by the Department of  
24 Massachusetts State Police.

25 Q. And in what capacity?

1 A. I'm a forensic scientist with the State  
2 Police Crime Lab.

3 Q. How long have you held that position?

4 A. I've been a forensic scientist for  
5 approximately five years, and I was a laboratory  
6 technician for two years prior to that.

7 Q. Okay. Always with the State Police or  
8 somewhere else?

9 A. Always with the State Police, yes.

10 Q. Okay. Can you walk us through your  
11 educational background that led you to the  
12 position you hold today?

13 A. I have a bachelor of science degree in  
14 forensic and investigative science from the  
15 University -- from West Virginia University. I  
16 also have a minor in biology.

17 And, after graduating from West Virginia  
18 University, I was then employed by the State  
19 Police, where I received additional training.

20 Q. Can you summarize some of that additional  
21 training for us, please?

22 A. Yes.

23 So I received training in the forms of  
24 modules, which are basically broken up into  
25 units. That includes trace, it includes

1 biological evidence, bio fluids, and crime scene  
2 investigation, in which I was a trainee and went  
3 to several crime scenes on rotation to gain more  
4 experience.

5 And, once I passed those, there was  
6 written exams, there was oral exams, and a final  
7 comprehensive exam, which I passed.

8 Q. And were you -- were you on duty or working  
9 February 12th of this year?

10 A. I was on call that day, yes.

11 Q. Does there come a point around 3:55 p.m.  
12 where you responded to the rotary in Lexington  
13 which connects Burlington, Hancock, North  
14 Hancock, and some other streets?

15 A. Yes, that's correct.

16 Q. Okay. And, as part of your response there,  
17 did you attempt to document the layout of the  
18 scene as you found it?

19 A. I did, yes.

20 Q. As part of your documentation, did members of  
21 the State Police take photographs of different  
22 things?

23 A. Yes.

24 Our Crime Scene Services section was  
25 on-scene as well. They took photographs and

1 sketches as well.

2 Q. Okay. And when they took photographs, are  
3 there points at which they put down, you know,  
4 green placards with the numerical^ markings to  
5 denote which things are which?

6 A. Yes, they do that.

7 Q. Okay. And was a report prepared with your  
8 observations referencing, among other things, the  
9 addresses and the different things with the  
10 placard numbers?

11 A. That's correct, yes.

12 Q. I am going to show you this.

13 Take a look at this two-page document and  
14 tell me if you recognize what it is.

15 A. This is a copy of the report that I wrote in  
16 regards to my response on February 12, 2022.

17 Q. That's a summary of your observations from  
18 that day?

19 A. Yes, it is.

20 Q. Okay.

21 MR. VAN EPPS: I'm going to offer that as  
22 the next exhibit.

23 THE CLERK: Twenty-seven.

24 (Exhibit No. 27, Report, received into  
25 evidence.)



1 BY MR. VAN EPPS:

2 Q. And I'm going to give the Court the actual  
3 report; I'll give you a photocopy of it.

4 All right. So you described in your  
5 report on the first page, you know, the -- the  
6 sort of appearance of the area, residential area,  
7 some of the streets; is that right?

8 A. That's correct.

9 Q. And, prior to testifying today, did you have  
10 a chance to review some of the photographs taken  
11 by State Police showing the rotary, but also  
12 showing the placards of various pieces of  
13 property that were later recovered?

14 A. Yes, I did.

15 THE COURT: Can I see everybody just at  
16 the sidebar for a brief second?

17 (Sidebar as follows:

18 THE COURT: I just didn't know whether or  
19 not some of the forensic materials that were  
20 recovered, whether there was going to be any  
21 sensitive testimony that I might (inaudible) the  
22 family (inaudible).

23 MR. VAN EPPS: It's going to be images of  
24 the different projectiles.

25 I did tell counsel --

1 THE COURT: Okay.

2 MR. VAN EPPS: -- that there is one  
3 picture, I think, that has some blood on the  
4 sidewalk --

5 THE COURT: Okay.

6 MR. VAN EPPS: -- but that's about it.

7 THE COURT: Okay.

8 MR. HEINEMAN: And I appreciate Mr. Van  
9 Epps has done that (inaudible).

10 THE COURT: Okay. Thank you very much.  
11 (End of sidebar.)

12 MR. VAN EPPS: I think I talked to you  
13 earlier, but (inaudible) look at it?

14 MR. HEINEMAN: All set. Thank you.

15 BY MR. VAN EPPS:

16 Q. I want to hand you this group of photos.

17 Can you tell me if you recognize what's  
18 depicted in those?

19 Just take a second and go through it.

20 (Pause.)

21 A. These are several photographs of the crime  
22 scene, including the placards that were placed by  
23 Crime Scene Services.

24 Q. When you describe the crime scene, you're  
25 referring to the area that you responded to

1 because there's been some kind of shooting  
2 (inaudible)?

3 A. That's correct.

4 Q. Okay. And that -- and most of those photos  
5 depict the approach to the rotary from the  
6 Burlington Street side where the crosswalk was,  
7 right?

8 A. That's correct, yes.

9 Q. And, for example, the first page, we're  
10 looking down Burlington into the rotary, and  
11 Hancock is visible in the top left in the  
12 distance?

13 A. That's correct.

14 Q. Are these photographs a fair and accurate  
15 depiction of the way it appeared when you were  
16 there?

17 A. Yes, it is.

18 MR. VAN EPPS: Let's have this marked as  
19 the next exhibit.

20 THE CLERK: Twenty-eight, your Honor.

21 (Exhibit No. 28, Photographs, received  
22 into evidence.)

23 MR. VAN EPPS: Okay.

24 BY MR. VAN EPPS:

25 Q. Now, in your -- in your report, sir, what are

1 the -- you indicate that there are pieces of  
2 apparent bean bags recovered and you give Placard  
3 Nos. 1, 6, 7, 18 through 21; is that correct?

4 A. That's correct.

5 Those placards were given by Crime Scene  
6 Services when they put them down, and I  
7 documented them here in my report.

8 Q. Okay. And you also denote in your report  
9 the -- the apparent shotgun shells, the  
10 placards 2 through 5 and 8 through 11; do you see  
11 that as well?

12 A. That's correct.

13 Q. You also have four discharged cartridge  
14 casings with placards 13 through 16?

15 A. Yes.

16 Q. There's also a ring that's denoted, No. 23?

17 A. Yes.

18 Q. And a knife inside a plastic bag, which is  
19 denoted as 17?

20 A. Yes.

21 Q. Okay. Did you have a chance to review  
22 additional photographs showing closer views of  
23 the items in those placards?

24 A. Yes, I did.

25 Q. And when I say "in those placards," I mean

1 corresponding to those placards.

2 A. Correct.

3 Q. Okay. I have a group of photographs I'm  
4 going to ask you to look at.

5 I'm just going to let counsel examine  
6 them.

7 THE COURT: And while you're doing that,  
8 just to be clear, when you're talking about  
9 13 through 16 discharged casings, those are not  
10 shotgun casings, those are the live round  
11 casings, correct?

12 THE WITNESS: That's correct, yes.

13 THE COURT: All right. You said the 9mm  
14 casings?

15 THE WITNESS: Correct. Yes.

16 BY MR. VAN EPPS:

17 Q. Let me show you each of these series of  
18 stapled packets of photographs.

19 Please review those and let me know when  
20 you've had enough time.

21 (Pause.)

22 BY MR. VAN EPPS:

23 Q. All right. So have you had enough time to  
24 look at those?

25 A. Yes.

1 Q. Okay. First question: Do you recognize the  
2 items in them?

3 A. I do, yes.

4 Q. All right. Are these essentially closer  
5 views of the placards and the items they're  
6 marking?

7 A. Correct.

8 Q. Is each photograph in this group of  
9 photographs a fair and accurate depiction of the  
10 way it appeared when you saw it?

11 A. Yes, they are.

12 Q. Okay. That's -- this first group that I'm  
13 going to hand you, could you just identify what  
14 we're looking at in those photos, just in general  
15 terms.

16 A. This is a photograph of placards 1 through 4,  
17 as well as close-ups of those placards,  
18 consisting of apparent pieces of bean bags as  
19 well as apparent shotgun shells.

20 Q. Okay. We actually at one point, at the back  
21 of this, we also get, you see placard 5 at a  
22 close-up? You see that, too?

23 A. Yes.

24 MR. VAN EPPS: I'd offer this as the next  
25 exhibit.

1 THE CLERK: Twenty-nine, your Honor.

2 (Exhibit No. 29, Photographs, received  
3 into evidence.)

4 BY MR. VAN EPPS:

5 Q. Do you see in the first page of this next  
6 packet that I'm handing to you Placards 6, 7, 8,  
7 and so forth?

8 A. Yes.

9 Q. Okay. And in this packet we have closes-up  
10 of six, seven, eight, nine, ten, and eleven; do  
11 you see that?

12 A. Yes, I do.

13 Q. Okay. And, actually, twelve.

14 A. Correct.

15 Q. Twelve is some -- does that appear to be  
16 blood on the street?

17 A. Twelve would be characterized as red-brown  
18 stains.

19 Q. Red-brown stains, excuse me.

20 MR. VAN EPPS: I'd just have this next  
21 one marked as --

22 THE CLERK: No. 30, your Honor.

23 (Exhibit No. 30, Photographs, received  
24 into evidence.)

25 BY MR. VAN EPPS:

1 Q. The next packet of photographs you reviewed,  
2 you see on the first sheet it's 13, 14, 15, and  
3 16 placards?

4 A. I do, yes.

5 Q. And those are the close-ups of the discharged  
6 shell casings?

7 A. Correct.

8 MR. VAN EPPS: I'd offer this as the next  
9 exhibit.

10 THE CLERK: Thirty-one, your Honor.

11 THE COURT: Yes.

12 (Exhibit No. 31, Photographs, received  
13 into evidence.)

14 BY MR. VAN EPPS:

15 Q. And this next set of photographs you reviewed  
16 we see Placards 17 and 18, along with close-ups  
17 of 17, the knife, and 18, apparent bean bag?

18 A. Correct.

19 MR. VAN EPPS: I'd offer this as the next  
20 exhibit.

21 THE CLERK: Thirty-two.

22 (Exhibit No. 32, Photographs, received  
23 into evidence.)

24 BY MR. VAN EPPS:

25 Q. And in this last packet, do you see we have



1 19, 20, and 21, the placards (inaudible)?

2 A. Yes.

3 MR. VAN EPPS: I'd offer this as the next  
4 exhibit.

5 THE CLERK: Thirty-three, your Honor.

6 (Exhibit No. 33, Photographs, received  
7 into evidence.)

8 (Pause.)

9 BY MR. VAN EPPS:

10 Q. Handing you yet another set of photographs,  
11 if you could page through those and tell me if  
12 you recognize the contents.

13 A. Yes, I recognize them.

14 Q. And what is it?

15 What are they?

16 A. These are photographs of 98 Hancock Street  
17 and the surrounding area.

18 Q. Fair and accurate depiction of the way it  
19 looked when you saw them?

20 A. Yes, they are.

21 Q. We can see 98, we have the driveway, we also  
22 have a view down the driveway?

23 A. Correct.

24 Q. By the garage, and a view of the back of the  
25 house, and the back steps?

1 A. Correct.

2 MR. VAN EPPS: I'd offer this as the next  
3 exhibit.

4 THE CLERK: Thirty-four, your Honor.

5 (Exhibit No. 34, Photographs, received  
6 into evidence.)

7 BY MR. VAN EPPS:

8 Q. Just take a look at the photographs I just  
9 handed you, and tell me if you can identify the  
10 contents?

11 A. These are photographs of the packaging, as  
12 well as the knife inside the plastic bag, that  
13 was recovered from the area of the rotary on  
14 Burlington Street.

15 Q. So when the knife was recovered from  
16 Burlington Street at the rotary, it's in a  
17 plastic bag, and then ultimately it's examined  
18 and then packaged in this box that appears in the  
19 last photograph?

20 A. Correct.

21 Crime Scene Services would have collected  
22 it from the scene and packaged it.

23 Q. Okay. We have some photographs with -- with  
24 a ruler alongside the number?

25 A. Correct.

1 MR. VAN EPPS: I'd offer this as the next  
2 exhibit.

3 THE CLERK: Thirty-five, your Honor.

4 THE COURT: Thank you.

5 (Exhibit No. 35, Photographs, received  
6 into evidence.)

7 BY MR. VAN EPPS:

8 Q. I'm sorry, I have two other sets of  
9 photographs to show you.

10 Take a look at these. Same questions as  
11 before: Can you identify the contents and are  
12 they fair and accurate depictions of what you  
13 observed?

14 A. Yes.

15 These are photographs of the ring at  
16 Placard 23 and the blue packaging and the center  
17 of the rotary marked 22.

18 Q. Okay. And the ring appears to have some kind  
19 of (indiscernible) or something on it; is that  
20 right?

21 A. Yes, it does.

22 MR. VAN EPPS: I'd offer these exhibits.

23 THE CLERK: Thirty-six and 37, your  
24 Honor.

25 (Exhibit No. 36, Photographs, received

1 into evidence.)

2 (Exhibit No. 37, Photographs, received  
3 into evidence.)

4 MR. VAN EPPS: That's all I have for  
5 Mr. Gould, Judge.

6 MR. MCDONALD: No questions.

7 MR. HEINEMAN: If I could.

8 EXAMINATION

9 BY MR. HEINEMAN:

10 Q. Mr. Gould, with regard to the bean bag  
11 projectiles, am I right that there are shells  
12 that were recovered from which the bean bags  
13 came, shotgun shells?

14 A. There were apparent shotgun shells at the  
15 scene, yes.

16 Q. And you understood, as a crime scene  
17 investigator, that those shells at one time  
18 contained bean bags?

19 A. That was -- that was what we were -- I was  
20 informed on the scene, yes.

21 Q. And you also found -- in addition to the  
22 shells, you found some bean bags themselves,  
23 correct?

24 A. Correct.

25 Q. Am I right that you found eight shells at the

1 scene?

2 A. I -- may I refer to my report?

3 Q. Of course.

4 A. I believe I have -- I have nine shotgun  
5 shells marked in the report.

6 Q. Nine shotgun shells, okay.

7 Can you give us the placard numbers that  
8 go along with the nine shotgun shells?

9 A. The placards given were two, three, four,  
10 five, and then eight, nine, ten, eleven.

11 Q. One of us is off on the math.

12 A. I believe that's me.

13 Q. I think --

14 A. It is me.

15 Q. -- it's eight total, right?

16 A. Eight total, yes.

17 Q. All right. And then the bean bags  
18 themselves, you recovered seven?

19 A. Correct.

20 Q. Placards 1, 6, 7, 18, 19, 20, and 21?

21 A. That's correct.

22 Q. These shotgun shells, are you familiar with  
23 the type of weapon that is used to shoot those  
24 shells?

25 A. I am not familiar with it, no.

1 Q. So you don't know whether it's a -- it's a  
2 right-side discharge or left-side discharge  
3 shotgun?

4 A. Correct, I don't know.

5 Q. Let's talk about the location where you found  
6 those shells.

7 Are you able to orient us all where you  
8 found those eight shotgun shells in relation to  
9 the rotary?

10 A. Yes.

11 Q. If I'm -- if I confuse you, let me know,  
12 because I confuse myself with these roads quite a  
13 bit, but if I'm coming to the rotary from Hancock  
14 Street at the 6:00 time on a clock, the Diamond  
15 School entrance is off to my right at -- call it  
16 three o'clock; Burlington at one o'clock, all  
17 right.

18 So using that orientation, can you tell me  
19 where the shotgun shell closest to the 6:00  
20 Hancock Street is found?

21 A. It was found at the base of Burlington Street  
22 by the entrance to the rotary itself - --

23 Q. Okay. And so there were no shotgun shells  
24 found anywhere within the rotary on the grass  
25 section of the rotary itself, correct?

1 A. -- correct.

2 Q. The first shotgun shell, moving in that  
3 direction from bottom of the rotary to the top  
4 that I described, the first that appears is at  
5 the intersection of the edge of the rotary and  
6 Burlington Street?

7 A. Correct.

8 Q. And then the remaining shotgun shells, where  
9 were they found?

10 A. They were located roughly between where the  
11 crosswalk was at the top of Burlington Street and  
12 then the base of Burlington Street entering the  
13 rotary.

14 Q. And can you orient us with regard to the lane  
15 of travel, if -- there's a little island there.  
16 Are you familiar with that island?

17 A. Yes.

18 Q. So using the island as your left side of that  
19 lane of travel and the sidewalk or dirt to the  
20 right side of that lane, can you orient us where  
21 those other seven shells were located, left to  
22 right?

23 A. Roughly they were located in the center of  
24 Burlington Street towards No. 9 Burlington  
25 Street, which is located on the left-hand side if

1 you're looking -- if the rotary island is  
2 directly in front of you, if that makes sense.

3 Q. I looked down, and I didn't pay attention, I  
4 apologize. Say that again.

5 It probably did makes sense; I just didn't  
6 hear you.

7 A. If -- in the center -- they range from the  
8 center of Burlington Street towards No. 9  
9 Burlington Street, which, if you're looking  
10 towards the 6:00 position as you described, would  
11 be to the left.

12 Q. Okay. And the knife that was found that the  
13 photos have been put in evidence as Exhibit 35,  
14 what's the total length of that knife from tip to  
15 end of the hilt?

16 A. I'm not sure.

17 Q. Okay. The measurements that were on the  
18 ruler are hard for me to make out.

19 If you look at the picture with the ruler  
20 next to it, you'd be able to tell me how long it  
21 is?

22 A. Yes.

23 Q. All right.

24 MR. HEINEMAN: May I approach, your  
25 Honor?



1 I think the clerk may have it.

2 THE COURT: It's 17.

3 THE CLERK: Thirty-five.

4 THE COURT: Thirty-five or --

5 THE CLERK: Thirty-five.

6 THE COURT: Maybe you do have it. Oh,  
7 wait a minute. I've got one over here. Oh, I've  
8 got it.

9 THE CLERK: Thank you, your Honor.

10 BY MR. HEINEMAN:

11 Q. I'm handing you Exhibit 35.

12 Using the ruler as a reference, can you  
13 tell me how long the knife is from the tip of the  
14 blade to the end of the handle?

15 A. It appears to be approximately  
16 140 millimeters, or so, I'm -- excuse me,  
17 140 centimeters.

18 Q. All right. And are you able in your head to  
19 convert that to inches, because I can't?

20 A. In my head, no, sir.

21 Q. All right. 140 millimeters?

22 THE COURT: Centimeters.

23 A. Centimeters.

24 Q. Centimeters?

25 So I think it's about 2.54 -- we'll figure

1 that out later, and of that 140 centimeters, how  
2 many centimeters is the blade?

3 A. Approximately -- approximately  
4 120 centimeters.

5 Q. Thank you.

6 But I'm a little confused. 120  
7 centimeters for the blade; and then so how long  
8 is it from the tip of the blade to this end?

9 A. So it would be approximately 200 -- 230.

10 Q. So the full length of the entire object is  
11 approximately 230 centimeters, of which the blade  
12 makes up about 120 centimeters?

13 A. Correct.

14 Q. Okay. Thank you.

15 One of the other objects that was found on  
16 the grassy area of the rotary was something that  
17 looks like it's wrapped in blue tape.

18 Do you remember that object?

19 A. I do, yes.

20 Q. What is that?

21 A. I have no idea, sir.

22 MR. HEINEMAN: Thank you.

23 That's all the questions I have.

24 THE COURT: Anything else on that?

25 MR. VAN EPPS: No.

1 Thank you, your Honor.

2 THE COURT: Thank you, sir.

3 THE WITNESS: Thank you.

4 (Witness excused.)

5 MR. VAN EPPS: If I could just have a  
6 minute and see who's outside, Judge.

7 THE COURT: Sure.

8 (Pause.)

9 THE CLERK: Your Honor, I believe I'm  
10 missing 20. (Inaudible.)

11 THE COURT: You got it?

12 THE CLERK: I got it.

13 MR. VAN EPPS: The next witness is going  
14 to be Paul Collazzo.

15 THE COURT: All right. And just so  
16 everybody -- I should have probably corrected  
17 this with the witness on the stand.

18 He kept saying centimeters, it's  
19 millimeters, because otherwise it's a 90-inch  
20 knife.

21 MR. VAN EPPS: We have a photo of  
22 (indiscernible).

23 THE COURT: Right.

24 MR. VAN EPPS: It speaks for itself.

25 MR. HEINEMAN: I thought I was the only

1 one confused.

2 THE COURT: No.

3 THE COURT OFFICER: Raise your right  
4 hand; face the clerk.

5 THE CLERK: Sir, do you solemnly swear or  
6 affirm that the testimony you will provide the  
7 Court today will be the truth so help you God?

8 THE WITNESS: I do.

9 PAUL COLLAZZO, SWORN

10 THE COURT OFFICER: (Inaudible) have a  
11 seat.

12 THE COURT: Sir, before we get started,  
13 first of all, long time no see.

14 THE WITNESS: Mr. Brennan, your Honor.

15 THE COURT: So I've been telling everyone  
16 this, the -- the inquest process is basically a  
17 private -- well, not private, but it's a  
18 confidential, supposedly -- it's supposed to be,  
19 proceeding.

20 I can't order you not to talk about what  
21 you're testifying about here today, but there  
22 will be a report generated shortly after  
23 conclusion of the inquest, so I'd just ask that  
24 you not discuss any (indiscernible), but I can't  
25 order you not to.

1 THE WITNESS: Thank you.

2 EXAMINATION

3 BY MR. VAN EPPS:

4 Q. Good afternoon, sir.

5 Could we have your full name and could you  
6 spell it for our court reporter, please?

7 A. Paul David Collazzo, C-O-L-L-A-Z-Z-O.

8 Q. And do you live in the Town of Lexington?

9 A. Yes, sir.

10 Q. Where do you live?

11 A. 100 Hancock Street.

12 Q. So if I'm looking at the front door of your  
13 house, 98 is directly to the left?

14 A. Directly to the right -- oh, looking at my  
15 front door, yes, to the left. Sorry.

16 Q. And you're on the corner of what, Hamilton?

17 A. Hamilton and Hancock.

18 Q. Okay. How long have you lived there?

19 A. Fifteen years or so.

20 Q. Okay. Are you employed?

21 A. Yes, sir.

22 Q. What do you do?

23 A. Cost accountant for a small pharma company.

24 Q. Okay. And the home to the right of you,  
25 98 -- I'm looking at your home -- 98 Hancock

1 Street?

2 A. Yes, sir.

3 Q. You're familiar with that house?

4 A. Yes.

5 Q. Okay. Did you -- were you familiar with any  
6 of the occupants in February of this year?

7 A. Yes.

8 Q. Who?

9 A. Brendan and James.

10 Q. You mean Brendan Reilly?

11 A. Brendan Reilly.

12 Q. Yeah. And James --

13 A. And James.

14 Q. -- Hanify?

15 A. James, yes.

16 Q. All right. These are people that you would  
17 see semi-regularly?

18 A. See semi-regularly, yes, sir.

19 Q. Okay. On February 12th, did there come a  
20 time where there were some noises from outside  
21 the house that drew your attention?

22 A. Yes, sir.

23 Q. Can you tell me about that, please?

24 A. I just heard some -- some yelling, and I went  
25 to the window which overlooks 98 -- I was

1 upstairs -- and I saw Brendan sort of backed into  
2 the -- to his house, like, in the little corner,  
3 and he seemed to be yelling.

4 Q. Okay. So when you're looking out the -- is  
5 it the back window of your house?

6 A. It's the side window, looking down into 98.

7 Q. So you're looking over the fence, across the  
8 driveway, and towards the backyard of the house?

9 A. Yes.

10 Q. Okay. And you recognize Brendan?

11 A. Oh, yes.

12 Q. Okay. Tell me about the yelling.

13 What -- what words could you make out, if  
14 any?

15 A. He just was -- seemed angry.

16 I thought he was on the phone at first,  
17 like, that he was talking to somebody on the  
18 phone, but I -- I couldn't make out what he was  
19 saying.

20 Q. Okay.

21 A. With the storm window, I just -- I couldn't  
22 hear, but he was -- he was just -- seemed to be  
23 upset about something.

24 Q. You had storm windows on your -- on your  
25 house?

1 A. Yes.

2 Q. Okay. Could you see whether he was with  
3 anybody else in the backyard that night?

4 A. I did not see anyone else.

5 Q. Okay. And so what happens after that that  
6 you recall seeing?

7 A. I went downstairs to the front door, and  
8 there was a police officer crossing the street  
9 and, you know, ready -- you know, going to talk  
10 to him.

11 Q. Okay.

12 A. And then another officer was just coming  
13 around Hamilton.

14 Q. Was there also a point in which you took note  
15 of a nonpolice car, some other car, near the  
16 rotary?

17 A. Yes.

18 Earlier, there was -- again, I was  
19 upstairs just doing some work and was hearing a  
20 noise; and when I came out, like, a Subaru or  
21 something had its back windows down and was,  
22 like, stopped in front of 98.

23 Q. Okay. And was Brendan visible where you were  
24 looking?

25 A. No one else was -- was there. It just -- it



1 caught my eye that why were they sitting there,  
2 it just didn't -- but I did not see anything  
3 else.

4 Q. Okay. Coming back to your looking sort of at  
5 the back of the house, Brendan's there.

6 Is that where they normally have the trash  
7 barrels?

8 A. Yes, sir.

9 Q. Okay. And you mentioned earlier that the  
10 police arrived.

11 Had you heard any sirens at that point?

12 A. I don't -- when I went to the door, I heard  
13 them off in the distance; but then at that point  
14 I couldn't tell whether they were for -- for this  
15 incident or for what, but I did hear some.

16 Q. Okay. Could you -- could you observe  
17 anything about what Brendan was doing, apart from  
18 yelling?

19 A. It seemed like he had something in his hand,  
20 I did notice that.

21 Q. And did that cause you to keep looking?

22 A. Yes.

23 Q. And did you observe what it was?

24 A. It seemed to be, like, some sort of knife or  
25 something.

1 Q. Okay. When you became aware that police had  
2 arrived, did you have a conversation with them?

3 A. The first guy was -- he was already engaged  
4 with Brendan, so I didn't say anything to him;  
5 but the guy coming across Hamilton, I told him,  
6 he seems like he has a knife or something.

7 Q. Did you indicate where Brendan was at that  
8 point?

9 A. They -- they had already saw -- like, he sort  
10 of came out at that point, but I did not indicate  
11 where he was, sir.

12 Q. All right. Can you remember anything about  
13 the appearance of the knife -- shape, color,  
14 anything like that?

15 A. Yeah, it's, like, a round, wood handle; and I  
16 couldn't really see, like, the rest of it.

17 Q. Okay. And do you have a memory of which hand  
18 Brendan was holding it in?

19 A. Right hand.

20 Q. Did you see what, if anything, he was doing  
21 with that, apart from just holding it?

22 A. Just holding it. He wasn't waving -- you  
23 know, he wasn't waving it. He just was holding  
24 it.

25 Q. Okay. And was the -- were you able to

1 observe whether his hand was, you know, up in  
2 some way or down at his side?

3 A. Down at his side.

4 Q. Okay. In terms of the way he was holding it,  
5 is it -- you know, the blade is coming out the  
6 end of his hand and that's where his thumb is or  
7 the other way?

8 A. It was where his thumb was.

9 Q. Okay. So as -- as police arrive, what do you  
10 then do?

11 A. After I spoke to the officer on Hamilton. I  
12 just went back in the house, shut the door.

13 Q. Okay. Did you then -- was your attention  
14 drawn to any other sounds thereafter?

15 A. I'd say maybe five minutes later, I hear a,  
16 like, very loud voices.

17 Q. Tell me about that.

18 A. And they were -- like, when I opened the  
19 front door, they were in the rotary.

20 It was three officers and Brendan were in  
21 the rotary.

22 Q. Okay.

23 A. So I was, like, how did you guys get there,  
24 but that's -- that's when I started, again, to  
25 watch.

1 Q. Okay. Because he had previously seen them in  
2 the backyard?

3 A. Yes.

4 Q. Okay.

5 A. And I don't know how it got to there.

6 Q. So by the time they've moved to the rotary,  
7 what can you then hear them saying, back and  
8 forth?

9 A. They were talking to Brendan about, just  
10 telling him to drop it -- you know, they seemed  
11 to know his name, and they were just talking to  
12 him.

13 I couldn't hear what he was saying, but I  
14 could hear the officers just telling him to drop  
15 whatever he had.

16 Q. At that point, how many officers do you  
17 recall seeing?

18 A. Three, sir.

19 Q. Three, okay.

20 And so they're asking or telling him to  
21 drop it.

22 Are they referring to what they're trying  
23 to get him to drop?

24 A. Yeah. They were saying, Drop the knife.

25 Q. Okay. How many voices could you make out

1 that were giving these instructions?

2 A. It seemed to be, like, the -- like -- I could  
3 only hear the officers, so I'd say two or three  
4 of the officers.

5 Q. Okay. But from what you're hearing as you're  
6 watching, did you get the impression that only  
7 one person's giving instructions or that each  
8 officer's kind of chiming in?

9 A. I would say two --

10 Q. Okay.

11 A. -- were talking.

12 Q. Could you see what the officers were holding,  
13 if anything?

14 A. Yeah, a couple of them had their knives --  
15 their pistols drawn, and the other man seemed to  
16 have one of those bean bag guns.

17 Q. Okay. And what about that gun makes you  
18 think it was a bean bag gun?

19 A. Just it was -- it just seemed smaller, you  
20 know, and I wasn't -- like, they wouldn't have a  
21 shotgun on them, so it was -- it just seemed like  
22 that would be what it would be.

23 Q. Okay. Was there any -- do you remember  
24 anything about the color of that particular gun?

25 A. It was brown, if I can remember correctly.

1 Q. So you observe them in the rotary; there's  
2 instructions being given.

3 I think you said you couldn't hear whether  
4 Brendan was responding or not?

5 A. I could not hear.

6 Q. Okay. How long did this go on where they're  
7 telling or requesting that he drop the knife?

8 A. A good five minutes. It was some time.

9 Q. Okay. Could you hear any other requests or  
10 instructions or anything that the police were  
11 saying to him apart from just, Drop the knife?

12 A. They were -- they were just trying to talk to  
13 him and, like, calm him down, but I don't --  
14 like, I didn't hear, like, distinctly other  
15 instructions.

16 Q. Can you describe for Judge Brennan kind of  
17 how the officers were talking in terms of tone,  
18 volume, things like that?

19 A. They were being very, very loud, deep, you  
20 know, strong.

21 You know, they were commanding him to drop  
22 what he had.

23 Q. Assertive?

24 A. Yeah.

25 Q. And where in the rotary is this going on?

1 A. Well, really right -- it's on the Diamond  
2 side, so they were -- Brendan was in the street,  
3 and they were on the sidewalk.

4 So, depending on where you put, you know,  
5 noon, he was just, like -- from my house, he was,  
6 like, three o'clock.

7 Q. Okay.

8 A. On the rotary.

9 Q. And this is in February.

10 Do you have any memories about that day in  
11 terms of the weather and the conditions, anything  
12 like that?

13 A. It was gray and cold, from what I remembered.

14 Q. Okay. Was there anything obstructing your  
15 view as you're looking across and paying  
16 attention to what's going on with Brendan?

17 A. There is a tree there in the -- in the center  
18 of the island, but there's no leaves on it, so  
19 you can see through it.

20 Q. Okay. So you were able to perceive what was  
21 going on?

22 A. Yes, oh, yes.

23 Q. As you're watching this, which window or  
24 where in your house are you watching this?

25 A. I'm at the front porch at that point.

1 Q. Does there come a point at which you were  
2 also watching from the second floor?

3 A. Earlier, I think that's when I first -- like,  
4 I heard something -- saw that they had moved onto  
5 the rotary, and then I went downstairs to kind  
6 of -- I don't know why, but went down to the  
7 front door.

8 Q. Okay. So you were watching from the --  
9 basically the front door?

10 A. Yeah.

11 Q. What do you observe happen after that?

12 A. They, like, I think they had hit him with  
13 some bean bags.

14 And Brendan fell, and then he got right  
15 back up, and then he took, like, a couple steps  
16 towards those guys, that keep -- you know, he  
17 was -- he was, you know, standing up to them.

18 And then one of the officers -- there was  
19 some snow there over the curb -- backed up and  
20 tripped and fell backwards.

21 Q. And then what happened at that point?

22 A. And then Brendan seemed to take, like, a step  
23 forward, and then the other officer shot him.

24 Q. As -- I just want to back up and then  
25 we'll --



1 A. Okay. I'm sorry.

2 Q. -- we'll come back to this point.

3 A. Yup.

4 Q. As you're watching them across the rotary,  
5 are you hearing any other noises that are not  
6 human voices?

7 A. No, sir.

8 Q. Okay. Any metallic or any pops or anything  
9 like that?

10 A. Well, you could hear when the bean bag went  
11 off.

12 Q. Okay. And what did that sound like to you?

13 A. Just like a pop, like an old -- like a -- the  
14 air rifles.

15 Q. Okay. Do you have a sense of how many  
16 different times you heard that noise?

17 A. Two maybe.

18 Q. When you're hearing it, can you see, first of  
19 all, where it's coming from, meaning, you know,  
20 is it coming from an officer, and if so, which  
21 one?

22 A. I can see where -- it's coming from them. He  
23 would -- he would -- I think he would, you know,  
24 call out, Hey, you know, Drop it or we'll shoot,  
25 and then he would do that.

1 Q. So you -- you hear, Drop it, and then you  
2 hear this noise?

3 A. Yes.

4 Q. Okay. After you hear that noise, can you --  
5 are you able to observe whether it caused a  
6 reaction or whether -- how it affected Brendan?

7 A. One time he went down, but the other times it  
8 seemed like it didn't phase him at all.

9 Q. Okay. All right. And how long are you  
10 watching these events go on?

11 A. Like, five. You know, I stayed there and  
12 watched five, six minutes at least.

13 Q. Okay. And you described at one point he was,  
14 I think -- I don't want to put words in your  
15 mouth, but I believe what you said was he was  
16 standing up to them, and then one of the officers  
17 slipped, something like that?

18 A. Yes.

19 Q. Okay. How were the officers standing,  
20 meaning in relation to each other and in relation  
21 to Brendan?

22 A. I'd say they were, like, 15, 20 feet off and,  
23 like, in a semicircle towards Diamond.

24 Q. Okay.

25 A. So, like, at five o'clock, three o'clock, and

1 two o'clock --

2 Q. Okay.

3 A. -- around him.

4 Q. Okay. And do you have a memory of which of  
5 them slipped?

6 A. The one at two o'clock.

7 Q. Okay. So could you tell from where you were  
8 watching what that officer was holding, if  
9 anything?

10 A. I could not.

11 Q. Okay. Do you have a memory when that officer  
12 slips what Brendan does as that's happening?

13 A. He took, like, a step forward.

14 Q. Okay. And then what happened?

15 A. And then the other officer shot.

16 Q. Okay. And what did that sound like compared  
17 to the --

18 A. Yeah.

19 Q. -- earlier noises?

20 A. Very stark, you know, loud. You could tell  
21 the difference.

22 Q. How many noises did you hear that time?

23 A. Two.

24 Q. And what did you see happen with Brendan at  
25 that time?

1 A. Brendan just dropped, and then the ambulance  
2 guy, like, ran over.

3 Q. Okay.

4 A. The EMT, excuse me.

5 Q. Was there a point between when Brendan falls  
6 and when they appear to be doing first aid that  
7 anybody was still giving him instructions that  
8 you can recall?

9 A. I don't recall that.

10 Q. Okay.

11 A. I think I was -- you know, I don't recall  
12 that.

13 Q. When the -- the officer slipped, can you  
14 describe for us, you know, what position he ended  
15 up in?

16 A. Yes.

17 I think he was just backing up, like, and  
18 he just didn't see the curb behind him, and he  
19 just sort of fell back, like on his butt.

20 Q. Okay. So you -- you perceived him go down,  
21 essentially?

22 A. Yes.

23 Q. When -- when you observed Brendan move --  
24 again, I don't want to put words in your mouth;  
25 but I believe this is what you said earlier --

1 move towards them as -- as he falls, is he moving  
2 towards any one particular officer that you can  
3 tell?

4 A. It seemed like he was moving towards the one  
5 that fell.

6 Q. Okay. Were you able to perceive whether or  
7 not Brendan was still holding the knife you had  
8 seen earlier by the house?

9 A. I could not see it at that point.

10 Q. Could you see what he was doing with his  
11 hands, in terms of where they were?

12 A. He still had them straight down at his sides.

13 Q. Can you tell us how close he got to the  
14 officer before you heard the last set of noises?

15 A. He was still ten -- he was still ten, twelve  
16 away, maybe closer.

17 Q. Okay. Now, you -- your house has a -- it's a  
18 Ring doorbell system; is that right?

19 A. Yes, sir.

20 Q. And, back in February, you were interviewed  
21 by the State Police and you provided information;  
22 you also provided some recordings --

23 A. Yes.

24 Q. -- from your house.

25 And you tried to provide whatever your

1 camera had captured?

2 A. Yes.

3 They went through it all, and my wife and  
4 I -- and the officers took what they needed.

5 Q. Okay. And you're aware that one of the  
6 troopers made copies of --

7 A. Yes.

8 Q. -- what the camera captured. Okay.

9 Can you tell us when Brendan moved towards  
10 that one officer, the speed at which he moved  
11 towards him?

12 A. Just -- it was just a step; it wasn't -- he  
13 didn't rush him, but it was a step forward.

14 Q. Okay. When you were interviewed by Trooper  
15 Quigley (phonetic), that was -- that was the same  
16 day as --

17 A. Yes.

18 Q. -- as this (inaudible)?

19 A. That afternoon, yup.

20 Q. And that's when you were interviewed, and you  
21 provided the videos?

22 A. Yup.

23 Q. Do you recall describing Brendan's movement  
24 as not running towards the officer who slipped  
25 but that he was in a very aggressive posture and

1 moving very quickly towards him?

2 A. He was definitely -- yeah. I mean, Brendan  
3 was standing up to him.

4 Q. Okay.

5 A. He moved towards him, but it wasn't like a --  
6 it wasn't a -- you know, he's a big kid, but he  
7 just stepped forward.

8 Q. Okay. What I just read to you, does that  
9 sound correct?

10 A. Yes. Yes.

11 Q. I just wanted to make sure.

12 A. Yup.

13 Q. And do you also recall describing to the  
14 police that you heard something like three or  
15 four pops at the end?

16 A. I would say two or three, but -- it was hard  
17 to kind of --

18 Q. Okay. Today your memory's two or three?

19 A. Yes.

20 Q. Okay. But you -- do you have any reason to  
21 doubt that the summary of your interview mentions  
22 that at the time you thought you heard three to  
23 four quick pops.

24 Does that sound right or wrong?

25 A. It sounds -- that's fine. That's right.

1 Q. And understanding it's been --

2 A. Yeah, it's been a few months. Yeah.

3 Q. Okay. And do you recall describing to the  
4 State Police that when he moved towards the  
5 officer who had fallen, he still had the knife at  
6 that time?

7 A. He still had it, yup.

8 Q. Does that sound correct?

9 A. Yup.

10 Q. Okay. All right. And you were interviewed  
11 by the police back in February.

12 You and I have met once; is that right?

13 A. Yes, that's correct.

14 Q. Okay. Has anybody else tried to meet with  
15 you or discuss the matter?

16 A. I think the family had a -- a lawyer, and out  
17 of deference to them, I (indiscernible) speak to  
18 him.

19 Q. When you were interviewed by the police back  
20 in February, do you recall describing to the  
21 State Police that when the police were talking  
22 and they were talking about potentially getting  
23 an ambulance?

24 A. The ambulance had sort of blocked off  
25 Burlington behind them while this was going on.



1 Q. I guess my question is: Do you recall  
2 describing that you heard the officers telling  
3 Brendan something about getting an ambulance?

4 A. Yes.

5 Q. Or something to that effect?

6 A. Yes, yes, help or -- yes.

7 Q. Okay. What do you remember about that today?

8 A. I don't recall as much of the conversations.

9 Q. Okay. Do you recall describing to the police  
10 during your interview that -- well, let me ask  
11 you this.

12 As you sit here today, what is your memory  
13 of what you could hear Brendan saying to the  
14 police as they're giving him instructions?

15 A. I don't have very much that I could hear him  
16 at all.

17 Q. Okay. Even if you don't remember the words,  
18 can you remember the tone or the volume or  
19 anything?

20 A. Well, he spoke very deep, if, you know, would  
21 say no or something like that; but I don't have a  
22 lot of memory of exactly what he was saying.

23 Q. Okay. Do you have a memory of describing to  
24 the State Police during an interview that -- that  
25 you heard Reilly screaming about something about

1 killing people as he's going back and forth with  
2 the police?

3 A. I don't -- I don't recall that.

4 Q. You don't recall that?

5 A. No.

6 Q. Okay. Can you remember the last instructions  
7 or things that you heard the police saying to  
8 Brendan before the slip, before the shots? Do  
9 you remember any of that?

10 A. Don't get up. Drop the knife. When he went  
11 down, they were just, Don't get up.

12 MR. VAN EPPS: I have nothing further for  
13 Mr. Collazzo.

14 MR. MCDONALD: I do have a couple of  
15 questions, your Honor.

16 EXAMINATION

17 BY MR. MCDONALD:

18 Q. Mr. Collazzo, directing your attention to the  
19 interview you had with the State Police a day  
20 after the -- the day of or the day after?

21 A. Day of.

22 Q. Day of, okay.

23 So at that time you had a better memory  
24 than you do now of what happened, correct?

25 A. It was fresh, yes, sir.

1 Q. And did you tell them the truth to the best  
2 of your knowledge that day?

3 A. Yes.

4 Q. I'd like to -- to read a sentence from your  
5 report and ask if that refreshes your  
6 recollection, quote, He heard the police -- I  
7 believe "he" meaning you -- heard the police  
8 pleading with Reilly to drop the knife, telling  
9 him that we have an ambulance coming to help him  
10 and that no one wants him to get hurt.

11 A. The surprising thing was they seemed to all  
12 know his name and they were, like -- because I  
13 guess they've dealt with him before -- and they  
14 were talking to him, like, you know, we can get,  
15 you know, they were trying to help.

16 Q. So was that statement that I just read to  
17 you, does that refresh your recollection about  
18 what you actually said to the --

19 A. Yes.

20 Q. -- State Police?

21 A. Yes.

22 Q. And was that conversation that you heard from  
23 your house when the officers were in the  
24 backyard, or was it out at the rotary?

25 A. That was out at the rotary.

1 Q. Did you hear anything about the conversation  
2 between the officers and Mr. Reilly in the  
3 backyard of 98 Hancock.

4 A. No, I -- I shut the door, like, right when  
5 that second officer arrived.

6 Q. Okay. So I'm -- I'm reading again from  
7 that -- that same paragraph, quote, Collazzo  
8 stated he heard Reilly screaming about killing  
9 people.

10 Does that refresh your recollection?

11 A. Well, it -- you know, it was rather  
12 incoherent, but that makes sense.

13 Q. Well, does it -- does it -- I mean it is what  
14 you --

15 A. Yes.

16 Q. -- is that what you told the police that day?

17 A. Yes, it is.

18 Q. Okay. And also, you said that -- Collazzo  
19 stated that at the time they shot Reilly --  
20 meaning the police -- the officer who had fallen  
21 to the ground definitely looked like he was in a  
22 very vulnerable position and very much at risk?

23 A. Yes, sir.

24 Q. What did you mean by a "vulnerable position"  
25 and "very much at risk"?

1 A. Well, he was on his back and he couldn't  
2 move.

3 Q. Did you fear that he was going to be stabbed  
4 by Mr. Reilly?

5 A. It was -- when he fell, things got far more  
6 serious.

7 Yes, he could have -- he was at -- he was  
8 vulnerable to being stabbed.

9 MR. MCDONALD: Thank you.

10 That's all I have.

11 THE COURT: Mr. Heineman.

12 EXAMINATION

13 BY MR. HEINEMAN:

14 Q. Good afternoon, Mr. Collazzo.

15 I just have a few follow-up questions, if  
16 I could.

17 Your Ring doorbell system, it captured  
18 Brendan moving around your house sometime  
19 before --

20 A. Yes.

21 Q. -- the events we're talking about, right?

22 A. I had no idea at the time.

23 Q. And when Judge Brennan gets to look at those  
24 Ring doorbell videos, I just want to help him  
25 understand what he's going to see.

1           When your Ring doorbell -- you have one on  
2 the back door and one on the front, right?

3       A.    Yes, sir.

4       Q.    And do you have some way of getting  
5 notification if there's movement?

6       A.    Yes.

7       Q.    And am I right that at some point on that day  
8 your rear Ring doorbell -- I'm sorry, your front  
9 Ring doorbell alerted; and you went down to see  
10 what had happened, and you realized that Brendan  
11 had walked around your house?

12      A.    Correct.

13      Q.    And when you saw that on the video, you went  
14 out your back door to kind of see what was going  
15 on?

16      A.    I (indiscernible) -- at the time I had no  
17 idea that he had circled the house.

18      Q.    Oh, okay.

19      A.    We didn't know until afterwards, and I -- and  
20 I missed him by, like, you know, 20 seconds.

21           In fact, I saw him -- I came out, saw him  
22 at the end of my driveway, and just kind of  
23 nodded and went in the garage to dump the trash.

24      Q.    Okay. So -- so now I understand. So let me  
25 rephrase the sequence of events.

1           At the time that the Ring video sees you  
2 going out your back door --

3       A.    Yup.

4       Q.    -- you did not know that it had shown Brendan  
5 going around your house?

6       A.    Yeah.

7           And I saw him in the driveway, and --

8       Q.    And so you walked out your back door -- and  
9 we see that on the video -- you go out, you kind  
10 of look to your left and you can see Brendan off  
11 there --

12      A.    Right.

13      Q.    -- and you don't think much of it?

14      A.    No, I don't.

15      Q.    You then, later on, at some time after that,  
16 that you hear the yelling --

17      A.    Yes.

18      Q.    -- and you look out your second-floor window?

19      A.    Yup.

20      Q.    And then, after you hear that yelling, you go  
21 down and you have this brief interaction with the  
22 police, telling them that you saw the knife.

23      A.    Yup.

24      Q.    You go back inside your house, and go about  
25 your business?

1 A. Exactly.

2 Q. And then it's, again, at a later point in  
3 time that you hear more yelling; you see that  
4 they're across the rotary, and you go down and  
5 out your front door?

6 A. Yeah.

7 Q. And now, when you go out on the front door on  
8 that occasion, your Ring doorbell goes off and  
9 there's some video of you going out your front  
10 door?

11 A. Yes.

12 Q. Now, you stayed on your porch while you made  
13 these observations, right?

14 A. Yeah.

15 Q. And so you're looking across a road at the  
16 rotary, across the center of the rotary, across  
17 the far side of the rotary, and the officers are  
18 across on Burlington Street?

19 A. Correct.

20 Q. When you saw Brendan with the knife, he was  
21 holding it -- I'm going to put a pen in my  
22 hand -- in a position where the blade extended  
23 off the thumb side of his hand, correct?

24 A. Correct.

25 Q. It was not the blade extending off the pinky



1 side?

2 A. No.

3 Q. And you didn't see Brendan waving that knife  
4 or doing anything, he just had it down by his  
5 side?

6 A. That is correct.

7 Q. Now, I'm going back to the time when you're  
8 looking across the rotary and you see Brendan --  
9 do you see that he's on the ground?

10 A. He was at one point, yes.

11 Q. And when he's on the ground, do you see the  
12 three officers kind of in a semicircle around  
13 him?

14 A. Correct.

15 Q. And, I'll use your phrase, you said there's  
16 one at five o'clock; one at three o'clock; one at  
17 two o'clock?

18 A. Yup.

19 Q. The one at two o'clock is ultimately the one  
20 that you see fall, correct?

21 A. Correct.

22 Q. The one at two o'clock, does he have in his  
23 hands a long rifle?

24 A. No, sir.

25 Q. No?

1           What type -- what did he have in his  
2 hands?

3           A. I think he might have had just his service  
4 revolver.

5           Q. He had his service revolver?

6           A. Yeah.

7           Q. So it's your memory that the man who fell --  
8 the officer who fell -- had a service revolver?

9           A. What I remember, yes.

10          Q. All right. During the time that you're  
11 looking across the rotary at what's going on over  
12 there, in addition to hearing the officers giving  
13 commands to Brendan and telling him they wanted  
14 to help him, did you also see them shooting those  
15 bean bags at him?

16          A. Yes, I did.

17          Q. And were there times when you saw them  
18 shooting the bean bags after him when he was  
19 seating -- seated on the ground?

20          A. I can't say I recall when -- you know,  
21 what -- where he was when they did it.

22          Q. Did you ever see during the whole time --  
23 period of time when Brendan was on the ground  
24 seated, and officers were shooting bean bags at  
25 him?

1 A. I don't recall seeing that.

2 Q. Okay. That's fair enough.

3 And am I right that during this whole time  
4 that you're looking across the rotary, you can't  
5 remember exactly how many of those bean bag shots  
6 you heard?

7 A. No.

8 Q. The last thing I have for you is when Brendan  
9 got up at the end, was that the first time that  
10 you saw him get to his feet when he was across  
11 the rotary?

12 A. It might have been the second time.

13 Q. It might have been the second time?

14 A. Yeah.

15 Q. When he got up that last time, that second  
16 time, describe for Judge Brennan Brendan's hand  
17 positions. Where were his hands?

18 A. They were still down by his side.

19 Q. And Brendan took a step toward the officer  
20 that had fallen?

21 A. Yes.

22 Q. Did you ever, as you're looking across that  
23 rotary, see Brendan with the knife in his hand  
24 with the blade extending from the pinky side up  
25 over his head like this?

1 A. No, I don't think so.

2 MR. HEINEMAN: That's all I have.

3 Thank you.

4 THE COURT: Anything on that?

5 MR. VAN EPPS: Just a second, your Honor.

6 I don't have anything else, Judge.

7 MR. MCDONALD: I do.

8 One further question, your Honor.

9 THE COURT: Okay.

10 EXAMINATION

11 BY MR. MCDONALD:

12 Q. Mr. Collazzo, directing your attention to  
13 another sentence in the interview that you had  
14 with the State Police, you said, He -- meaning  
15 you -- quote, described Brendan as not running  
16 towards the officer, but that he was in a very  
17 aggressive posture and moving very quickly  
18 towards him.

19 Do you recall that, saying that?

20 A. Yes.

21 Q. What did you mean by "he was in a very  
22 aggressive posture"?

23 A. I think he was just, you know, leaning --  
24 like, Brendan was a big kid, and just leaning  
25 forward, chest out, moving forward.

1 Q. And when you said he was moving very quickly  
2 towards him, who did you mean when you said him?  
3 Who was he moving --

4 A. He was just moving towards the officers.

5 Q. Any one in particular?

6 A. It seemed like the one who was fallen, but at  
7 that distance, they were tight enough you  
8 wouldn't be able to tell exactly.

9 Q. Okay. And you said he was moving very  
10 quickly, that sounds like he took more than one  
11 step.

12 A. One or two steps, yes.

13 Q. I'm sorry?

14 A. Like, I -- at the time I said it was quickly,  
15 yes. He took a couple steps.

16 Q. Okay. So it wasn't just one?

17 A. It might not have been, yeah.

18 Q. Do you remember exactly how many there were?

19 A. I do not remember, sir.

20 MR. MCDONALD: Thank you.

21 That's all I have.

22 EXAMINATION

23 BY MR. HEINEMAN:

24 Q. The word "quickly" is a word that --

25 A. Yes, yes.

1 Q. -- is a word that the State police officer  
2 wrote; you don't have a memory of using that word  
3 with the officer, do you?

4 A. I don't have a memory of that.

5 Q. So when -- okay.

6 MR. HEINEMAN: That's all. Thank you.

7 THE COURT: All right. Thank you, sir.

8 THE WITNESS: Thank you, your Honor.

9 (Witness excused.)

10 THE COURT: You still look exactly the  
11 same.

12 I think it's been 40 years.

13 (Laughter.)

14 MR. VAN EPPS: I'm going to offer the  
15 report, the Paul Collazzo State Police interview  
16 report.

17 THE CLERK: Thirty-eight, your Honor.

18 (Exhibit No. 38, Collazzo police report,  
19 received into evidence.)

20 MR. MCDONALD: What number is that?

21 THE COURT: All right. So his report.

22 MR. MCDONALD: What number is that,  
23 Carlos?

24 THE CLERK: Thirty-eight.

25 MR. MCDONALD: Thank you.

IMPOUNDED TRANSCRIPT

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1 THE COURT: Anything else or should we  
2 just take a lunch break now?

3 MR. VAN EPPS: It makes sense.

4 THE COURT: 2:10 better for you guys?  
5 2:10.

6 THE COURT OFFICER: All rise. We'll be  
7 in recess.

8 (1:11 p.m. court in recess.)

9 (2:12 p.m. court resumes.)

10 THE COURT OFFICER: Court is back in  
11 session.

12 Please be seated.

13 MR. VAN EPPS: Your Honor, our next  
14 witness is Jennifer Reiners.

15 THE COURT: Okay.

16 (Pause.)

17 THE COURT OFFICER: Raise your right  
18 hand, face the clerk.

19 THE CLERK: Do you solemnly swear or  
20 affirm that the testimony you will provide the  
21 Court today will be the truth so help you God?

22 THE WITNESS: Yes.

23 THE CLERK: Thank you.

24 JENNIFER REINERS, SWORN

25 THE COURT OFFICER: Have a seat right

1 over there.

2 THE COURT: Ms. Reiners, before we begin,  
3 I've been asking everyone the same thing, which  
4 is -- or explaining something, which is that an  
5 inquest is, in theory, a secret proceeding or a  
6 confidential proceeding.

7 At some point I'm going to draft a report  
8 and the report's going to be released to the  
9 parties.

10 I can't order you not to talk about what  
11 you're going to testify to, but I'd ask that you  
12 not, just given the confidential nature of the  
13 proceedings.

14 THE WITNESS: Yes.

15 MS. GEMMILL: Thank you, your Honor.

16 EXAMINATION

17 BY MS. GEMMILL:

18 Q. Good afternoon, ma'am.

19 A. Hi.

20 Q. Can you please introduce yourself to the  
21 Court and spell your first and last name for us?

22 A. Yup, Jennifer Reiners, J-E-N-N-I-F-E-R,  
23 Reiners, R-E-I-N-E-R-S.

24 Q. How old are you, ma'am?

25 A. Forty-six.



1 Q. Can you tell us your date of birth?

2 A. Yeah, 10/8/76.

3 Q. Where do you currently live?

4 A. 101 North Hancock in Lexington, Mass.

5 Q. Hancock -- North Hancock Street?

6 A. Yes.

7 Q. How long have you lived at that address?

8 A. I think a year and a half, a little over a  
9 year and a half.

10 Q. Okay.

11 A. Less than two years.

12 Q. So, in February of 2022, you were living  
13 there, correct?

14 A. Yes. Yeah, we moved in in March.

15 Q. March of 2021?

16 A. 2021, yes.

17 Q. Do you currently work?

18 A. Yes.

19 Q. What do you do for work?

20 A. I work at Novartis as a clinical trial --  
21 clinical research associate.

22 Q. All right. And when -- is that, like,  
23 pharmaceutical --

24 A. Yeah.

25 Q. -- biotech, that kind of thing?

1 A. Pharmaceutical and clinical research,  
2 oncology.

3 Q. Okay. Does anyone else live at 101 North  
4 Hancock Street with you?

5 A. Yes, my husband.

6 Q. Okay. I'm going to turn your attention now  
7 to February 12th of 2022 --

8 A. Um-hum.

9 Q. -- a Saturday.

10 A. Yes.

11 Q. Were you home on that particular day for part  
12 of the day?

13 A. Yes.

14 Q. All right. Around midday, do you recall what  
15 you were doing?

16 A. I was watching TV. I was in the living room  
17 watching TV.

18 Q. The living room of your home?

19 A. Yes.

20 Q. Okay. And your house, does it have more than  
21 one story?

22 A. Yes.

23 Q. Okay. And where is the living room located  
24 within the home?

25 A. It's on the first floor.

1 Q. Okay. So while you're watching TV --

2 A. Um-hum.

3 Q. -- did anything unusual come to your  
4 attention?

5 A. Yeah.

6 There was commotion outside.

7 Q. A commotion.

8 Can you describe to me what you heard when  
9 you say you heard commotion?

10 A. Yeah, I just heard loud, like, noises, so I  
11 actually -- it prompted me to go to the window,  
12 because it's usually a quiet neighborhood, we  
13 don't really have a lot of commotion except when  
14 school kids are coming out; but since it wasn't a  
15 school -- I don't believe it was a school day, it  
16 was a weekend, that I -- I went to the window.

17 Q. Okay. And when you were hearing sounds, are  
18 these human sounds, like, voices, or are you  
19 hearing some kind of other noise?

20 Like, how would you describe the noise --

21 A. I couldn't really tell what the voices were  
22 saying because all the windows were closed; but I  
23 just heard some sounds that made me get up and  
24 walk to the window.

25 So I didn't hear any specific words or

1 anything like that.

2 Q. Okay.

3 A. It was just sort of sounds that were unusual,  
4 and I went to the window.

5 Q. Okay. So no words.

6 Did it sound like they were voices,  
7 though? I think you mentioned that.

8 A. There -- you know, to be honest, on the first  
9 floor, I don't know if I heard voices outside.

10 Q. Okay. So how long does the commotion go on  
11 for before you decide to go take a look out the  
12 window?

13 A. Just maybe a minute.

14 Q. All right. So tell us what you do next. You  
15 hear commotion downstairs.

16 Where do you go?

17 A. Yeah. I go to the second floor, into one of  
18 the bedrooms upstairs on the second floor.

19 Q. Okay. What was -- what was specific about  
20 the room you went into?

21 Like, why did you pick the room you  
22 picked?

23 A. It was -- so our -- our house is Colonial and  
24 it has, like, a slanted roof, so there's no  
25 windows facing the rotary where the commotion was

1 coming from and I could see police cars, so I  
2 went to the second floor because that's the only  
3 window that you'd be able to see the rotary from  
4 our home.

5 Q. Okay. Did you, in fact, look out the window  
6 in that bedroom?

7 A. I did, um-hum.

8 Q. Can you describe to us what your vantage  
9 point is when you're looking out of that window.

10 A. Yes.

11 Q. Like, what do you see in front of you?

12 A. Yeah. So directly outside the window is  
13 North Hancock Street, so you could see the street  
14 right in front of us and then to the right is the  
15 rotary.

16 Q. Okay. Can you see the entire rotary?

17 A. No.

18 Q. Okay. How much of that rotary can you see  
19 from your upstairs window?

20 A. I can probably see -- I want to say maybe,  
21 like, 40 percent, yeah.

22 Q. Okay. And we're discussing the rotary where  
23 Hancock Street, North Hancock Street, Burlington,  
24 Hamilton all feed into that rotary --

25 A. Um-hum.

1 Q. -- is that the correct -- is that correct?

2 A. Yes, that's correct.

3 Q. Okay. So you look out the window.

4 A. Um-hum.

5 Q. And, I'm sorry, if you could say "yes" or  
6 "no."

7 A. Oh, yes, sorry.

8 Q. It's natural to say "um-hum," but for the  
9 sake of our record.

10 A. Yes.

11 Q. You look out the window, what do you see?  
12 What draws your attention?

13 A. Well, there's police cars, and there is a  
14 police officer. That's what I see. And then I  
15 see someone on the ground.

16 I don't see that whole person. I only  
17 see, like, the lower half of them. And I can  
18 see, like, white knee socks.

19 Q. Okay. How many police officers could you see  
20 from the window?

21 A. I could only see one.

22 Q. Okay. Where was that police officer located?

23 A. He's right in the rotary, so if you go down  
24 the street, there's a rotary.

25 It's right on the -- on North Hancock on

1 the left-hand side, so on our neighbor's side of  
2 the street.

3 Q. Okay. I am going to show you a map --

4 A. Yup.

5 Q. -- Ms. Reiners, of the intersection of  
6 Burlington.

7 Does this map I'm handing you look  
8 familiar to you?

9 A. Yes, yup.

10 Q. Is this the rotary --

11 A. Yes.

12 Q. -- that you live near?

13 A. Yup.

14 Q. Okay. I'm handing you a marker as well.

15 A. Okay.

16 Q. Could you just indicate with your initials --

17 A. (Inaudible.)

18 Q. -- (indiscernible) -- first of all, do you  
19 see your house on this map?

20 A. No, I don't.

21 Q. Okay. Which direction would your house be?

22 A. My house is two -- two houses after this  
23 house.

24 Q. Okay.

25 A. So this is farther --

1 Q. So the last house in this map you can see on  
2 North Hancock street, your house is two houses  
3 further --

4 A. Yup.

5 Q. -- to, I suppose the -- this is oriented  
6 north, so further to the west?

7 A. Yes.

8 Q. Okay. So if you could mark for us --

9 A. Um-hum.

10 Q. -- on this map the spot where you could see  
11 the man, the knee socks --

12 A. Okay.

13 Q. -- on the -- on the -- on the (inaudible)?

14 A. And this is a rough estimate because the  
15 vantage point wasn't very good because of  
16 (inaudible).

17 Q. If you can just draw, like, a little circle  
18 right in that spot for you.

19 A. Okay. Maybe -- I want to say, like, maybe  
20 right here.

21 Q. Okay. And was that -- could you tell whether  
22 that man was in the roadway or was he on  
23 (indiscernible)?

24 A. I couldn't tell.

25 Q. Okay. And if you could draw a little P --



1 A. Yeah.

2 Q. -- for, like, police officer --

3 A. Um-hum.

4 Q. -- in the area where you saw the police  
5 officer.

6 A. Yeah.

7 Q. Okay. Thank you.

8 I'll take that pen from you so you don't  
9 mark yourself?

10 MS. GEMMILL: And at this time I'd ask  
11 that this be introduced as the next exhibit.

12 THE CLERK: No. 39, your Honor.

13 (Exhibit No. 39, Map, received into  
14 evidence.)

15 BY MS. GEMMILL:

16 Q. Okay. When you first start looking out your  
17 window --

18 A. Um-hum.

19 Q. -- you notice the man with the socks?

20 A. Yes.

21 Q. Before we talk about him for a little bit,  
22 what could you see the police officer doing, if  
23 anything?

24 A. I could just see him standing there.

25 Q. Okay. Could you tell whether the police

1 officer had anything in his hands?

2 A. You know, I -- I don't know. I don't recall  
3 now that it's been so far out, but.

4 Q. Okay. So from your memory right now --

5 A. Um-hum.

6 Q. -- you don't know whether there was anything  
7 in the police officer's hands?

8 A. Yes. That's correct.

9 Q. All right.

10 And you could only -- was there ever a  
11 time where you could see additional police  
12 officers besides that one police officer?

13 A. I don't recall.

14 Q. Okay.

15 A. I only recall that one.

16 Q. Did you see anyone else down on the ground  
17 besides the man that you saw with the socks?

18 A. No.

19 Q. When you noticed the man with the socks --

20 A. Um-hum.

21 Q. -- was that significant to you in any way,  
22 like, the fact of the socks?

23 And, sorry, I see -- I see you nodding.

24 A. Yeah. Sorry.

25 Q. Can you say -- can you say yes or no?

1 A. Yeah, yup, yup.

2 Q. And just -- if you need a minute, just let us  
3 know, okay?

4 A. Yeah, just a minute. Sorry.

5 Q. That's okay.

6 MS. GEMMILL: Do we have any tissues?

7 THE CLERK: Not here.

8 MS. GEMMILL: I actually think I have --

9 THE CLERK: In the clerk's office.

10 MS. GEMMILL: Hold on.

11 I have a (inaudible).

12 A. Sorry. I'm emotional.

13 Q. That's okay.

14 A. Thank you.

15 Q. You're welcome.

16 A. Yup.

17 Q. Are you ready to proceed?

18 A. Yeah.

19 Q. Okay. Did you recognize the person on the  
20 ground from -- from his socks?

21 A. Yes.

22 It was a man that lived down the street  
23 that used to wear a Celtics jersey and -- thank  
24 you, so, yeah, so I just recognized him as a  
25 neighbor.

1 Q. Okay. And so it might have been a little  
2 hard for some of us to hear you. You're saying  
3 that you recognized the man --

4 A. Yes, a neighbor.

5 Q. He was a neighbor who you had seen wearing a  
6 Celtics jersey before?

7 A. Yeah.

8 Q. Okay. And had you seen him with those socks  
9 like --

10 A. Yes.

11 Q. -- like the socks like you saw before?

12 A. And that's all I saw is the socks, and I sort  
13 of knew who it was on the ground.

14 Q. Okay. Did you know where that man lived?

15 A. Yes, I do.

16 Q. And where did that man live?

17 A. I don't know the address -- it's the house  
18 next to 100 Hancock Street.

19 Q. Okay. So that -- the house on our map that  
20 was labeled 98 perhaps, if you were to look at  
21 that again?

22 A. Yes.

23 Q. Had you ever had any interactions with that  
24 man before?

25 A. Not really.

1           He used to walk up and down the street,  
2 but I didn't really interact with him.

3           There was one day that I was walking the  
4 dog and I have, like, a -- sort of a bigger dog;  
5 and she went to, like, sniff his arm and he sort  
6 of pulled back so I just sort of always, like,  
7 kept my distance, because I didn't want the  
8 dog to be, like, near his face if he was  
9 uncomfortable.

10 Q.   Okay. And but you never really had a chance  
11 to talk to him --

12 A.   No.

13 Q.   -- or anything like that?

14 A.   Nope.

15 Q.   Okay. Did you know what his name was?

16 A.   I -- I know now, but I didn't know --

17 Q.   At the time you didn't know?

18 A.   No.

19 Q.   Okay. Could you hear -- the time you  
20 noticed -- you noticed this, can you hear the  
21 police officer saying anything?

22 A.   Yes, like, Drop -- I believe it was, Drop the  
23 knife, drop the knife, but it could have been  
24 weapon. I'm not sure.

25 Q.   Okay. Could you tell whether it was the

1 police officer you could see who was saying those  
2 words, or was there another voice that you were  
3 hearing?

4 A. I don't remember. I don't recall.

5 Q. Okay. But you heard a voice that appeared to  
6 be coming from a police officer at least?

7 A. It sounded like it, yes.

8 Q. Could you hear whether or not the man on the  
9 ground was saying anything?

10 A. I -- I don't recall.

11 Q. All right. Do you remember hearing any --  
12 any, like, sounds coming from him, like  
13 vocalizations, even if you couldn't hear words?

14 A. I think there was a scream at one point,  
15 like, sort of a -- but, like, no words.

16 Q. Okay. While you were watching, did you hear  
17 any noises that didn't sound like voices, like  
18 any other noises that caught your attention?

19 A. No.

20 Q. Okay. Do you remember seeing -- do you  
21 remember talking to the State Police at some  
22 point shortly after this incident?

23 A. Yes, I do.

24 Q. Okay. Do you remember talking to one of the  
25 State Police troopers about seeing a police

1 officer who had, like, a bigger-sized gun?

2 A. Yeah. I -- I don't recall.

3 I think you -- that was mentioned, but I  
4 don't recall.

5 Like, now -- if I made that statement a  
6 few weeks after, I would probably have a better  
7 memory than I do right now.

8 Q. Okay. So, as you sit here today, you don't  
9 recall whether you saw a police officer holding  
10 some kind of a gun?

11 A. No, I don't recall.

12 Q. Okay. Do you remember at what point you --  
13 at some point did you stop watching --

14 A. Yes.

15 Q. -- what was happening out the window?

16 A. Yes, I did.

17 Q. Do you know what was happening when you  
18 stopped watching?

19 A. Yes, yes.

20 So it seemed to be a little bit more tense  
21 in the way the officer was mentioning to drop  
22 whatever the -- if it was the knife, or the  
23 weapon, like, Drop the knife, Drop the knife,  
24 Drop the knife.

25 And it got to the point that I just sort

1 of turned away and -- and prayed for them, you  
2 know.

3 Q. Okay. Could -- at any point could you see  
4 whether the man was holding something?

5 Could you see his hands?

6 A. No, I didn't see anything like -- and  
7 there's, like, a lot of trees and bushes, and,  
8 like, a little fence, so I didn't really have  
9 any -- any visual.

10 Q. Okay. And from the perspective you had, what  
11 could you see to the right of that first police  
12 officer?

13 Was that, like, where your viewpoint is  
14 sort of blockaded at that point?

15 A. Um, sorry, can you just rephrase the  
16 question?

17 Q. Yeah, I apologize. Bad question.

18 What was preventing you from being able to  
19 see what was to the right of the police officer?

20 A. Oh, okay. So, like I said, the trees,  
21 there's some bushes, and then, like, a little  
22 fence, and there was also cop cars, too, I  
23 believe, on the road, so I don't know if that was  
24 blocking the view, but definitely trees.

25 Q. All right.



1 A. Yeah.

2 Q. Do you remember where the police officers's  
3 cars were that you could see?

4 A. I think they were on North Hancock. The ones  
5 that I could see were on North Hancock, I think,  
6 yeah.

7 Q. And did you see more than one car?

8 A. I did see one -- more than one car, yes.

9 Q. Did you notice any other, like, emergency  
10 vehicles in the area?

11 A. You know, I -- I don't recall at that point  
12 if I saw an emergency vehicle. I definitely  
13 remember when I came back downstairs there was an  
14 ambulance.

15 Q. Okay.

16 A. Yeah.

17 Q. When you're -- when you were looking out the  
18 window watching, did you see any other people,  
19 like, any other neighbors that you knew or  
20 anything like that kind of in the area on foot at  
21 all?

22 A. When I was upstairs, I don't believe so, no.

23 Q. Okay. One moment, please.

24 So after the moment that you stopped  
25 watching --

1 A. Yes.

2 Q. -- out the window, did you close your window  
3 again?

4 A. You know, I don't know if I closed the  
5 window. I -- I probably did, but I don't recall.

6 Q. And I guess I should have asked you --

7 A. Yes.

8 Q. -- do you remember actually opening your  
9 window --

10 A. Yes.

11 Q. -- to see?

12 A. I do remember opening it, yes.

13 Q. Okay. Did you hear anything else after you  
14 left that room?

15 A. No.

16 Q. Okay.

17 MS. GEMMILL: Thank you so much, I don't  
18 have any further questions for you, ma'am.

19 A. Okay.

20 MR. MCDONALD: No questions, your Honor.

21 THE COURT: Mr. Heineman?

22 MR. HEINEMAN: Very quickly.

23 EXAMINATION

24 BY MR. HEINEMAN:

25 Q. The last time you saw the man that you know

1 now to be the resident --

2 A. Yes, yes.

3 Q. -- of 98, he was on the ground?

4 A. Yes.

5 Q. He wasn't standing?

6 A. Yes.

7 Q. And did I hear you right that the -- just  
8 before you stopped watching --

9 A. Um-hum.

10 Q. -- the officers' voices were ratcheting up a  
11 bit, getting more intense?

12 A. Yeah, yeah, yeah.

13 MR. HEINEMAN: Thank you so much for  
14 coming in.

15 THE WITNESS: Yup. Okay.

16 (Witness excused.)

17 MR. VAN EPPS: Commonwealth  
18 (indiscernible) for the Mass. State Police  
19 interview report for Ms. Reiners.

20 THE CLERK: No. 40, your Honor, four  
21 zero.

22 (Exhibit No. 40, Reiners police Report,  
23 received into evidence.)

24 MR. VAN EPPS: The Commonwealth calls  
25 Rabbi Bukiet.

1 THE COURT OFFICER: Follow me right up  
2 here.

3 Raise your right hand and face the clerk.

4 THE CLERK: Do you solemnly swear or  
5 affirm that the testimony you'll provide the  
6 Court today will be the truth so help you God?

7 THE WITNESS: Yeah.

8 ALTER BUKIET, SWORN

9 THE COURT: And, sir, before we begin,  
10 I've been asking everyone that's testified to do  
11 this.

12 These proceedings, the inquest  
13 proceedings, at least until the report is  
14 generated, are supposed to be confidential, so I  
15 can't order you not to talk about your testimony,  
16 but I would ask that you not discuss your  
17 testimony until the report is released, okay?

18 THE WITNESS: Yup.

19 THE COURT: Thank you very much.

20 EXAMINATION

21 BY MS. GEMMILL:

22 Q. Good afternoon, sir.

23 A. (Indiscernible.)

24 Q. Can you please introduce yourself to the  
25 Court and spell your first and last name for us?

1 A. So my name is -- first name Alter, A-L-T-E-R,  
2 my last name is Bukiet, B-U-K-I-E-T.

3 Q. Sir, how old are you as you sit here today?

4 A. Oh, God, 63.

5 Q. Thank you. Can you tell us what your  
6 occupation is?

7 A. I'm a rabbi. I've been a rabbi in Lexington  
8 since 1989.

9 Q. All right. And when -- did you go through  
10 special training to become a rabbi?

11 A. Yes.

12 Q. When did you complete that?

13 A. '84.

14 Q. Okay. Do you currently live in Lexington?

15 A. Yes.

16 Q. What is your address?

17 A. 9 Burlington Street, Lexington, Mass.

18 Q. Is that right next to the rotary that  
19 North --

20 A. Yeah.

21 Q. -- Hancock and Hamilton feed into?

22 A. North Hancock, Hancock, Burlington, all flow  
23 into that rotary.

24 Q. How long have you lived in that particular  
25 home?

1 A. 1989.

2 Q. So you've been in -- since you've pretty much  
3 been in Lexington you've been at that home?

4 A. Yeah.

5 Q. Is -- are there any other buildings that you  
6 are in charge of that are on -- in the area of  
7 9 Burlington?

8 A. Yeah. So it's a cul-de-sac, it's three  
9 buildings.

10 My home -- if you look at the cul-de-sac,  
11 the back part of the cul-de-sac is the center.

12 My home is to the right, and then my  
13 office is up to the left -- a home that was done  
14 over into offices. And then there's a parking  
15 lot between the three properties.

16 Q. Okay. And the center, can you tell us a  
17 little bit about the center?

18 A. Yes. We run a preschool, a nursery school, a  
19 Hebrew school, services, adult education program,  
20 teen programs, and we have close to 100 families  
21 that are involved.

22 Q. Okay. What is the name of your center?

23 A. Chabad, C-H-A-B-A-D, Chabad Center.

24 Q. Do any of your members of your family live  
25 with you at 9 Burlington Street?

1 A. Yeah.

2 One is moving into a home in the next  
3 couple of weeks, and they're with us at our home  
4 now.

5 Q. Who are the adult family members who live  
6 with you at 9 Burlington currently?

7 A. Eli and Shaina Olldort.

8 Q. Is that O-L-I --

9 A. O-L-I-D-O-R-T.

10 Q. D-O-R-T?

11 A. Yeah, my daughter, Shaina, and her husband  
12 Eli, Eli.

13 Q. Do they have children?

14 A. Yeah.

15 Q. Do they live there, too?

16 A. Yes. There are four of them at home, four  
17 boys.

18 Q. Okay. Were they living with you at  
19 9 Burlington Street on February 12th of 2022?

20 A. Yes.

21 Q. Okay. So I'm going to turn your attention,  
22 Rabbi Bukiet, to February 12th of this past year.

23 That was a Saturday; is that correct?

24 A. It was a Saturday, yes.

25 Q. Are there any kind of services that are going

1 on at the Chabad Center on a Saturday?

2 A. Yes. So on Saturday at 8:30 to 9:30 is a  
3 mysticism class, and 9:30 until around 12:30 is  
4 services.

5 Q. Okay. So on that particular day, were -- did  
6 services go on as usual?

7 A. Yes.

8 Q. Do you participate in those services?

9 A. Yeah.

10 Q. What is your role?

11 A. I'm the rabbi.

12 Q. Fair to say that you are leading the --

13 A. Yeah. I lead the congregation through the  
14 services, yes.

15 Q. So services come to an end around 12:30?

16 A. Yup.

17 Q. You mentioned that there is a preschool that  
18 is part of your center; is that correct,  
19 (inaudible)?

20 A. It's on the property, but it's not open on  
21 the weekend.

22 Q. Okay. So there may be little children at the  
23 preschool during the week, but not on a Saturday  
24 necessarily.

25 A. No, but there is a children's program,



1 children that come to services with their  
2 parents, but they -- usually by 12:30 they're  
3 gone.

4 Children's span of attention doesn't last  
5 that long, so they're gone by then.

6 The majority by 12:30 is adults that we  
7 usually have a nice, little dinner or a luncheon  
8 that people sit around and eat, and, therefore,  
9 people stagger out at different times after  
10 services.

11 Q. On that particular day, that -- did you leave  
12 the center following the conclusion of services?

13 A. I left around a quarter to one.

14 Q. Quarter to one?

15 A. Yeah.

16 Q. And where did you go?

17 Where do you go after you leave your  
18 services that day?

19 A. I just walk -- I walk out the building and  
20 make -- go to the left to my home.

21 Q. All right. And it's right there?

22 A. Right.

23 It's a cul-de-sac. It's two houses with  
24 the building in the back.

25 Q. Okay. As you're walking to your home, did

1 you notice anything at that point?

2 A. Yes.

3 Q. Can you describe to me what -- what drew your  
4 attention at that time?

5 A. There were police cars on Burlington Street.

6 Q. Okay. Did you notice whether you could see  
7 any police officers in those cars?

8 A. I didn't -- I didn't focus on that.

9 I -- I just saw the cars with the lights  
10 on, so I thought something was going on in my  
11 house, so I didn't even look at them, I went  
12 straight home, because they weren't coming into  
13 the center, so I realize it has nothing to do  
14 with the center, but there are police cars  
15 flashing with lights.

16 I thought maybe something's going on in my  
17 home.

18 Q. So these cars were close enough to your home  
19 that you thought something could be happening at  
20 home?

21 A. Yeah, because -- yeah, they were at the front  
22 entrance of the center, which is -- to the left  
23 is my home and to the right is the offices.

24 So it was either one of those -- that's  
25 what I thought, it was one of those two

1 properties that there's some kind of problem  
2 going on with, so I quickly went home.

3 Q. Did you go into your house?

4 A. No.

5 Q. Okay.

6 A. Because as soon as --

7 Q. What stopped you?

8 A. Okay. So when I left -- again, just work  
9 with me here, as I left the building, which is  
10 the back part, and I started to go towards my  
11 home, I noticed on the road that goes to Diamond  
12 School, cops there as well.

13 Q. You say you saw cops there, too, on that --  
14 the road?

15 A. Yeah, on that road.

16 And -- and then I saw around the rotary  
17 cops, so then I said, Oh, boy, this is a little  
18 bit -- and then I saw my son-in-law standing in  
19 front of my house, so I joined him.

20 Q. Which -- which son-in-law was standing in  
21 front of your house?

22 A. Not Eli Olidort; Israel, Israel New.

23 Q. Okay.

24 A. That's a second son-in-law. I have two  
25 children that work with me in the -- in the

1 center.

2 Q. Okay. And your son in-law, Israel, does not  
3 live at 9 Burlington; is that correct?

4 A. No. He lives -- he lives on a different --  
5 he lives on (indiscernible), a different street.

6 Q. Okay. Rabbi, I'm going to show you a couple  
7 of maps to help us orient ourselves here.

8 So the first map is going to be a general  
9 map of the intersection, and the second one is a  
10 little bit closer perspective here.

11 Rabbi Bukiet, I'm showing you a general  
12 map of the rotary. I'm going to hand you a  
13 Sharpie here.

14 A. Yeah.

15 Q. This map, does this -- are you familiar with  
16 the intersection depicted in this map here?

17 A. So I'm just trying to orient myself to the  
18 picture, which I'm looking at.

19 So, wait a second, let me turn it around.  
20 Does that make more sense to me? I'm not good at  
21 this stuff.

22 Q. Okay. So --

23 A. Okay. So this is -- this is -- this is  
24 Hancock.

25 Q. Okay.

1 A. This is Burlington --

2 Q. Okay.

3 A. -- right? And this is North Hancock, right?

4 So -- this is an old picture, by the way,  
5 but okay. This is my house.

6 Q. Okay. You see your house?

7 A. This is my house, right?

8 And this is the rotary right over here and  
9 this is North Hancock, right.

10 And over here is Victory Gardens, correct.

11 So I was coming out from -- it's not in  
12 the picture, you can't see it in the picture.  
13 I'm -- the building is back here, is back here.

14 Q. The building you're referring to is --

15 A. Right, right.

16 Q. -- the center; is that correct?

17 A. The office, right. The center's right here.

18 I came out and then came around the front  
19 and then came to the front of my house, right  
20 over here.

21 Q. Rabbi, can you just write your initials for  
22 us to the spot where you came to the stop in  
23 front of your house?

24 A. Right over here.

25 Q. Okay. Thank you.

1 MS. GEMMILL: I'm going to ask that this  
2 be marked as our next exhibit, please.

3 THE CLERK: No. 41, your Honor, four one.  
4 (Exhibit No. 41, Map, received into  
5 evidence.)

6 BY MS. GEMMILL:

7 Q. Okay. And, Rabbi Bukiet, I'm going to show  
8 you a closer view -- probably still the same old  
9 picture.

10 A. Yeah.

11 Q. Do you -- is this a closer-up view of, you  
12 know, an aerial view of your home --

13 A. Correct.

14 Q. -- and Burlington Street?

15 A. And I -- yeah, correct. And I was standing  
16 right over here.

17 But these trees, of course it was  
18 February, they were all -- this is a gorgeous  
19 picture in the summertime, you know what I mean,  
20 none of these had any -- it was all open.

21 Q. Okay. So the foliage that is blocking your  
22 view in this picture --

23 A. Right.

24 Q. -- was not there (inaudible)?

25 A. Was not there, and the trees, a couple of

1       them are down, so it was -- it's a lot more open  
2       to the street now, and I was -- I was standing  
3       right over here.

4       Q.    Can you put your initials on this picture for  
5       us, again, in the spot where you were watching.

6                Okay.  And is your son-in-law, Eli --  
7       excuse me, Israel, there with you?

8       A.    Yes.

9       Q.    Okay.  Thank you.

10               MS. GEMMILL:  I'd ask that this be marked  
11       as the next exhibit.

12               THE CLERK:  Forty-two; four, two.

13               (Exhibit No. 42, Map, received into  
14       evidence.)

15               MS. GEMMILL:  Thank you.  I am going to  
16       take 42 back from you, Mr. Clerk, if I may.

17       BY MS. GEMMILL:

18       Q.    Rabbi, I'm going to hand you this image,  
19       because I have a few more questions for you --

20       A.    Okay.

21       Q.    -- about it as we go along, okay?

22       A.    Yup.

23       Q.    I'm actually not going to (inaudible).  All  
24       right.

25               So Israel is standing in front of the

1 house.

2 Is anyone else with him besides you?

3 A. Just me and him.

4 Q. Okay. What do you notice?

5 What's going on in front of the house?

6 A. I heard continuously from four or five  
7 different policemen shouting to this gentleman,  
8 in the best that they can do -- I mean, they  
9 really were being very kind to him saying, Please  
10 put down the knife, Put down the knife, Put  
11 down -- they kept on coming from different --  
12 four or five different voices saying to him,  
13 Please put down the knife.

14 Q. Okay.

15 A. And it was repetitive. And he kept on -- as  
16 the voice came towards him, he lunged; lunged  
17 back. They moved back.

18 And there was -- again, to me, it felt  
19 like 20 minutes, it must have been, you know, a  
20 half a minute at tops, but they were working very  
21 hard to get him to put down the knife.

22 Q. So let's break that down just a little bit.

23 So you -- do you hear those police  
24 officers first --

25 A. Oh, yeah.



1 Q. -- or do you see them first?

2 A. I -- I saw them, and I heard them. I  
3 couldn't tell you what came first.

4 I mean, as I walked up, I was -- but then  
5 I heard them. They were -- they were  
6 continuously communicating with him  
7 (indiscernible) --

8 Q. Okay. I'm going to show you, Rabbi,  
9 Exhibit 42, which is, again, that closer map of  
10 your home.

11 Can you see in this intersection here the  
12 location where you could see those police  
13 officers?

14 And if you do, can you just --

15 A. So I lost sight to the ones over here.  
16 What -- what I saw is in the circle, it was a  
17 couple over here.

18 Q. And you're drawing circles where you're  
19 noticing police officers?

20 A. Right.

21 They were around the circle. They were  
22 around the roundabout.

23 Q. Okay.

24 A. And they were communicating. And he was over  
25 here. He was somewhere over here.

1 Q. When you say "he" was over here, was that the  
2 man that you mentioned a moment ago?

3 A. Yeah, the man with the knife was over here.

4 Q. Could you draw -- draw, like, a star for us  
5 within the spot where you saw the man.

6 A. This is where I initially saw him. His  
7 position changed, by the way --

8 Q. Okay.

9 A. -- because he kept on moving back and forth.

10 As a policeman moved towards him, he  
11 lunged towards him; they moved back from him.

12 It was a back-and-forth type of thing that  
13 was going on.

14 MS. GEMMILL: Okay. I'll give that to the  
15 Court to take a look at.

16 BY MS. GEMMILL:

17 Q. Okay. So can you describe for us as  
18 you're -- you're looking at this man, can you  
19 describe for us what he looked like?

20 A. He -- he was troubled. I mean, he was  
21 totally disheveled. I mean, his shirt was -- it  
22 was freezing, it was February, and his shirt  
23 was -- his shirt was untucked.

24 I don't remember him wearing shoes even.  
25 I think he was in socks. He was not -- he was

1 not well in the sense that you are looking at a  
2 healthy person, a balanced person.

3 No, he was -- he was totally --

4 Q. What about him besides the disheveled  
5 clothing made you sense that he was unwell?

6 Can you describe that for us?

7 A. Look, his -- his shirt -- his pants was  
8 falling. He was struggling to hold his pants up.  
9 His shirt was -- he wasn't tucked in.

10 We're talking about it was 20 degrees,  
11 something, I mean, it was cold. It was a  
12 February day. I don't think he was wearing  
13 shoes. I don't think he was wearing shoes. I  
14 think he was in -- he was in his socks.

15 Now, running around, the ground was wet  
16 with ice on it a little bit. He -- he was hit  
17 with bean bags, and he fell. He struggled to get  
18 up; in his whole posture, you saw he wasn't well,  
19 he wasn't well, but they were trying very hard to  
20 get the knife away from him and the best that  
21 they can communicate with him to get the knife  
22 away from him.

23 Q. Rabbi, when you first noticed this man, was  
24 he standing up, or was he seated, or where was  
25 he?

1 A. He was standing up.

2 Q. He was standing up when you first saw him?

3 A. Yeah.

4 Then I saw him slip. Either slip or he  
5 was hit with the -- with the pellet guns and he  
6 fell.

7 Q. Okay. When -- at the time that he fell,  
8 could you see whether he had been in motion?

9 Like, was he running or walking or --

10 A. I don't remember.

11 Q. -- was he just standing? Okay.

12 A. I don't remember. I remember him falling;  
13 then I remember them trying to get closer to him,  
14 but then he started to get up.

15 And when he started to get up, they moved  
16 back off him.

17 Q. Can you describe in -- how he was when he was  
18 down on the ground, like, how he was sitting, if  
19 he was sitting?

20 A. He fell -- I don't -- the position, I  
21 remember him getting up, that he was on his knees  
22 and on his hands getting up.

23 Q. Okay.

24 A. I couldn't tell you how he fell. I want to  
25 tell you something.

1 I -- I was trying not to look. I'm going  
2 to be very honest with you. It was so painful to  
3 watch for me.

4 This whole thing was very -- I was in pain  
5 watching it, so I was struggling to look at this.

6 Q. Were there things that kept drawing your  
7 attention?

8 A. Just the noise, just the -- the pleading with  
9 him, kept on -- and then I finally said, I can't  
10 watch this, and I left, and that's when  
11 everything took place.

12 And I wasn't present when -- when the --  
13 when the final act happened. I left by then.

14 I turned -- I said to my son-in-law, I  
15 can't watch this.

16 And my heart went out for the police, and  
17 my heart went out for him.

18 I mean, they were doing their best, but he  
19 -- but he wasn't -- he wasn't relating to the --  
20 what they wanted from him.

21 Q. From where you could see -- where you could  
22 see this man, could you see his hands?

23 A. I didn't focus on it. I was more focused on  
24 his face.

25 Can I be honest with you? I was not

1 really focused his hands. I was looking at  
2 his -- I was looking at his face.

3 Q. You mentioned that you heard the police  
4 officer saying things over and over to him.

5 What were some of the words that you were  
6 hearing?

7 A. From him or from the police?

8 Q. From the police first.

9 A. They kept on saying his name.

10 Q. Okay.

11 A. They referred to him by -- with his name and  
12 asking him to please put down the knife.

13 Q. You heard them referencing a knife.

14 Could you see whether he had a knife?

15 A. Oh, yeah, I saw he had a knife.

16 Q. Do you know where he was -- was he holding on  
17 to that knife?

18 Like, how did he have it?

19 A. One time I saw him holding it without two  
20 arms; one time with two arms.

21 I mean, it was -- I couldn't tell you the  
22 size. I mean, I wasn't focused on it that much,  
23 but he would -- when he would lunge, he would  
24 sometimes lunge with holding it both arms like  
25 this out; sometimes holding it like this.

1           He was...

2       Q.    You're making some -- some motions with your  
3       hands, like, like, a lunging motion --

4       A.    He was holding it.

5       Q.    -- with a knife --

6       A.    Yeah.

7       Q.    -- coming forward.

8           Was that -- what direction was he lunging  
9       in?

10      A.    I don't think he had any sense of a  
11      direction.

12      Q.    But what direction did you -- regardless of  
13      what he --

14      A.    It was towards the policemen who were coming  
15      towards him.

16      Q.    Okay.

17      A.    I mean, they -- there was this continuous  
18      interaction between them and him.

19      Q.    If you -- when you would see him move forward  
20      or lunge forward, could you see a reaction from  
21      the police officers?

22      A.    Oh, they backed out.  They backed off.

23      Q.    They would back off.

24           Did you see whether the police officers  
25      were armed with any kind of weapon?

1 A. Again, I wasn't focused so much on the  
2 police, I was really looking at this kid.

3 Q. Yeah.

4 A. I had a little knowledge of him and I  
5 just -- my heart was -- I just was staring at  
6 him.

7 I wanted to -- I was hoping he was going  
8 to make eye contact with me, to tell you the  
9 honest truth, but he didn't.

10 I just -- I just was looking at him the  
11 whole time, that's what I was trying -- I was  
12 trying to see -- to see him.

13 Q. Did you know him a little bit from before?

14 A. If I remember correctly, a year or two before  
15 this happened, I was in Stop & Shop and he was in  
16 front of me; and he bought a bunch of junk  
17 food -- from chips and stuff like that and a  
18 soda -- and he put it on the counter, I don't  
19 remember how much money, but it was way short of  
20 what the cost was, and I paid for it.

21 And as I came out, I said to him, I live  
22 across the street from you -- it was a winter  
23 day -- I said I'll drive you back to your home.  
24 He said, Thank you, and he came into my car, and  
25 I drove him home.



1           If I'm not mistaken, it's the same  
2 individual that this happened with.

3 Q.   Where did you drive him home to?

4 A.   They're -- they're across Victory Gardens.  
5 They're on -- they're on -- they're on  
6 Burlington -- not Burlington. I'm on Burlington.  
7 That's called Hancock, they're on Hancock.

8 Q.   Okay.

9 A.   Right -- where -- right two homes -- two  
10 houses from the -- from the circle.

11 Q.   Are you familiar with the home that's at that  
12 location?

13 A.   I'm familiar because over the course of the  
14 years that I've been there, we've had different  
15 interactions with different members of that home.

16           Not bad interactions, just interactions.

17 Q.   The -- this -- this man that you had helped  
18 at Stop & Shop who's now having this interaction  
19 with the police, how did his demeanor seem to you  
20 during this interaction with police compared to  
21 how he was when you drove him home that day?

22 A.   When I drove him home, he was just quiet. He  
23 was not unhinged; he was just quiet.

24           Here, he was -- there was -- he was out  
25 of -- he was not hinged. He was not -- he was --

1 he wasn't behaving properly.

2 Q. Could you --

3 A. He wasn't behaving properly, and -- and he  
4 needed help.

5 Q. The angle that you were watching this from,  
6 could you see this man's face or is it, like, the  
7 side --

8 A. To the side.

9 Q. -- the front? The back? To the side?

10 A. We never made eye contact.

11 Q. Okay.

12 A. And -- subconsciously, I'm being honest with  
13 you now, and I said this to my wife, I was hoping  
14 he was going to make eye contact with me so maybe  
15 that will give him a sense of knowing and a  
16 little bit more -- but we never -- we never made  
17 eye contact.

18 Q. Could you hear whether he was saying anything  
19 during this interaction?

20 A. He was just grunting.

21 Q. Just grunting?

22 A. I didn't hear any words. He was just  
23 grunting. He wasn't communicating back with  
24 them.

25 Q. Do you remember hearing any sounds, any loud

1 sounds, that were not voices or grunts or --  
2 coming from humans prior to you leaving and  
3 walking away, like, while you were still  
4 watching?

5 A. No.

6 Q. Do you -- do you remember talking about --  
7 talking to the Lexington Police at some point  
8 about seeing -- seeing the police hit -- hit this  
9 man with, like, a BB gun or something like that?

10 A. I -- there was a policeman walking down  
11 Diamond away from the scene, and I tried to  
12 communicate with him because I -- I was just  
13 feeling for this guy.

14 I said -- I said something to the extent,  
15 Should we get some help or something; and he just  
16 was in his own world, he didn't respond to me.

17 Q. Okay. But --

18 A. But he was walking away from the scene. He  
19 was walking towards Diamond School. He wasn't  
20 dressed in a cop outfit. He was, I think, I  
21 don't know, a detective. He wasn't a -- but he  
22 was part of the scene, I mean, he was comfortable  
23 with the whole situation.

24 I mean, they -- he was -- but I didn't  
25 have much communication, no. I didn't have any

1 communication with anybody.

2 Q. Did you hear the sound of --

3 A. I heard the sounds of the pellets.

4 Q. -- or did you hear -- okay.

5 A. Of -- what knocked him down, I heard those  
6 sounds.

7           Again, I'm not a -- I'm not acquainted  
8 with different sounds of a gun and a pellet gun  
9 and all that type of stuff, so I don't -- I just  
10 know that when they -- when they knocked him  
11 down, which I was, like, to a certain degree  
12 happy, you know, they got him to the ground, I  
13 thought this was going to be the end of it,  
14 because it was pellets and -- but he got back up.

15           He struggled to get back up, and so they  
16 backed away from him.

17 Q. When you say he got up, did he see him  
18 getting to his feet, like, what were you  
19 observing?

20 A. I observed him struggling to get up, and then  
21 I -- I just saw out of the corner of my eye a  
22 policeman backing off and tripping on the -- if  
23 you look at the picture, there's a little --  
24 there's a little -- there's a brick thing in  
25 the -- right by the -- I saw him starting to

1 fall, and that's when I turned to my son-in-law  
2 and I said, I'm -- I'm going home.

3 I said, This is -- this is no good, this  
4 is -- and as I went into my house and closed the  
5 door, that's when I heard the shot.

6 Q. Okay. So you saw one of the police  
7 officers --

8 A. I saw him beginning to fall.

9 Q. -- start to fall, beginning to fall?

10 A. I -- he started to trip over that -- I think  
11 it's a cement thing around the circle; either  
12 that or he just slipped, but I thought it was  
13 over that -- over that cement piece that leads  
14 into the road, that leads into the circle --

15 Q. Okay.

16 A. -- like, the divider on the road.

17 Q. Before you -- before you left, and before you  
18 stopped watching, the time the officer looks like  
19 he's starting to fall, could you see what the  
20 man --

21 A. No.

22 Q. -- was doing?

23 Could you tell whether he was on his feet  
24 or on the ground at that point?

25 A. I don't remember.

1 Q. Okay.

2 A. I just started to move away. I started to  
3 turn my head away from the scene, and I just  
4 simply said to my son-in-law, I can't watch this.  
5 I'm going in.

6 Q. Okay. How long after you turned and --

7 A. As soon as --

8 Q. -- went inside did you hear another sound?

9 A. -- as soon as the door closed. As soon as  
10 I -- I walked in and the door closed, I heard a  
11 shot, and then I heard it go quiet.

12 Q. Did --

13 A. Like, it wasn't one shot, I -- I couldn't  
14 remember, but I remembered like, da, da, da, and  
15 then it went quiet.

16 And the moment it all went quiet, I said,  
17 Uh-oh, something just happened.

18 Q. Da, da, da, like maybe there were three  
19 shots?

20 A. A couple of shots.

21 Q. Okay.

22 A. And then it went quiet. And then I came back  
23 out.

24 Q. The -- the sounds that you heard, was that  
25 the same sound as the --

1 A. Well --

2 Q. -- pellets, or is it a different sound, or  
3 you're not sure?

4 A. -- this -- this is -- this is where you're  
5 talking to an amateur here. I couldn't tell you  
6 what the sounds are about. I really -- I didn't  
7 know.

8 I just heard it, like, all of a sudden,  
9 all the noise from people screaming and  
10 screaming, it just went silent. Like, all of a  
11 sudden, it got quiet.

12 I said, Uh-oh, something just really  
13 happened, so I turned around and came outside.

14 When I came back outside, I -- I saw the  
15 police working on his chest.

16 Q. And you're making a motion like giving him  
17 CPR?

18 A. Like, they were -- they were -- and then  
19 they -- they had to move cop cars away and get an  
20 ambulance in.

21 And then they put him on the stretcher and  
22 then it was...

23 Q. The -- the spot that you marked on that map  
24 for us, like, the area where you were seeing the  
25 man, is that around the same area that he was

1 after the shots?

2 A. I think so. I think so. If my memory's  
3 correct, I think so.

4 I think he was -- he was on that side of  
5 the -- of the circle.

6 The whole thing was taking place on the  
7 Burlington side of the roundabout -- not the  
8 Hancock side, not the North Hancock side, not the  
9 Diamond School that has -- goes also off the  
10 circle.

11 It was on that -- it was on the Burlington  
12 side of the street that leads up to the circle.

13 Q. Okay. And you had stopped and turned and  
14 went home as you're seeing the officer start to  
15 slip, correct?

16 A. Yeah.

17 That I -- that I saw and that's when I  
18 said, Uh-oh, I said, I'm getting out of here,  
19 this is not going to -- this is not going to turn  
20 out good, and I went to the house.

21 And as soon as I walked into the house and  
22 I closed the door, I heard -- it got quiet. I  
23 heard the shot, and it got quiet. And I came  
24 back out.

25 Q. Rabbi, did you have any chance to talk to



1 anybody about what you saw besides the police?

2 Like, did anyone come to see you?

3 A. I met family, if I'm not mistaking, I don't  
4 know who they were. I met them a couple days  
5 after it happened, on the roundabout.

6 They were putting flowers there, and I  
7 pulled up and I rolled down my window and I got  
8 out and I spoke to the family, just kind words  
9 and -- but they didn't in any way quiz me on --  
10 on the story. That wasn't the point.

11 The point was just to -- that I'm a  
12 neighbor and I -- and I even think I told the  
13 family then that I knew him from the past  
14 experience. It was that type of interaction.

15 Then a couple of months later -- again,  
16 I'm not -- I'm not good with this stuff -- but  
17 somebody came and handed me a card saying that  
18 they're -- that they're a lawyer for the  
19 family -- I didn't hold on to the card -- and he  
20 sat in my living room for a good 20 minutes  
21 grilling me, wanting to know what happened.

22 He had his angle that he wanted me to  
23 speak about the police, but I didn't -- I said I  
24 didn't think they did anything wrong from what I  
25 saw. I think that they did their best.

1           Can you be -- you know, my opinion, they  
2 were trying to get the man. I said, I didn't  
3 witness the actual thing, so I can't tell you  
4 what happened, I said, but up until what I saw,  
5 they were talking to him.

6 Q. You mentioned that at some point you saw a  
7 knife in his hand.

8           Could you see what was going on with the  
9 knife when you went back into your house?

10 A. No.

11 Q. Did you ever see if the knife was on the  
12 ground or dropped prior to --

13 A. No.

14 Q. -- you coming back outside?

15 A. No. I -- no.

16 MS. GEMMILL: One moment, please.

17 Rabbi, thank you so much. I don't have  
18 any further questions for you.

19 THE WITNESS: Oh, good.

20 Can I leave?

21 MS. GEMMILL: Others --

22 THE COURT: Not quite yet. Not quite  
23 yet, Rabbi.

24 Mr. McDonald?

25 MR. MCDONALD: No.

1 THE COURT: Mr. Heineman?

2 EXAMINATION

3 BY MR. HEINEMAN:

4 Q. Good afternoon, Rabbi.

5 A. Hi.

6 Q. I was the lawyer for the family. We've not  
7 met before, have we?

8 A. No.

9 Q. But you did meet with my private  
10 investigator --

11 A. Oh, okay.

12 Q. -- (inaudible) by the name of Patrick Mason.

13 A. Okay.

14 Q. Was that his name?

15 Do you remember Patrick?

16 A. I don't remember.

17 Q. Okay, okay. But it wasn't you and I that had  
18 met.

19 A. Okay.

20 Q. And just a couple of follow-up questions, if  
21 I could.

22 I understand from your testimony that you  
23 saw this police officer begin to fall; and that's  
24 when you said, I'm getting out of here, I've seen  
25 enough, I can't watch this, right?

1 A. Yup.

2 Q. I thought you said, and correct me if I'm  
3 wrong, I thought you said just before the police  
4 officer started to fall, you saw the man who was  
5 on the ground starting to try to get up.

6 A. Yes.

7 Q. So at the time that the officer -- and I want  
8 to talk just about those few seconds, if I could.

9 A. And I understand those few seconds are -- are  
10 integral.

11 Q. And if you don't remember, that's perfectly  
12 okay.

13 A. I can't remember, I'm sorry.

14 I really -- I could not tell you how those  
15 few seconds were. I wish I could. I'm not the  
16 guy.

17 Q. And you've answered my question, Rabbi, and I  
18 appreciate that.

19 All we ask is people tell us what they  
20 remember.

21 A. If I could -- if I had that piece of memory  
22 in my head, I would feed it to you. I don't have  
23 it.

24 I just remember that I -- I had a terrible  
25 pit in my stomach, and I just broke focus from

1 the whole scene, and I -- and I made my way to  
2 the house.

3 And, by the way, to the house is, you  
4 know, it's from -- from my driveway to the house  
5 is -- it's a couple of seconds to get home.

6 I wasn't focusing in those couple of  
7 seconds of what was happening. I was -- I was  
8 heading -- I just wanted to get into the house.  
9 So those couple of seconds, I couldn't tell you  
10 what happened.

11 Q. So I appreciate all that, I'm just -- just  
12 for the record, so that we have a clear question  
13 and answer, am I right that if I asked you to  
14 recount the last 10 seconds before the officer  
15 tripped and fell, you would not be able to do  
16 that?

17 A. No.

18 Q. Thank you.

19 THE COURT: That's all set, sir.

20 Now you're all set.

21 THE WITNESS: I can leave?

22 THE COURT: Yes, you can.

23 (Witness excused.)

24 MR. VAN EPPS: Thank you very much,  
25 (inaudible).

1 Commonwealth (inaudible) the Lexington PD  
2 interview for Rabbi Bukiet.

3 THE CLERK: Forty-three, your Honor,  
4 four, three.

5 (Exhibit No. 43, Bukiet police report,  
6 received into evidence.)

7 MR. VAN EPPS: The Commonwealth calls Eli  
8 Olidort.

9 THE CLERK: Do you solemnly swear or  
10 affirm that the testimony you'll provide the  
11 Court today will be the truth so help you God?

12 THE WITNESS: I do.

13 ELI OLIDORT, SWORN

14 THE COURT OFFICER: You can have a seat  
15 (inaudible).

16 THE COURT: Good afternoon, sir.

17 Mr. Olidort, before we get started and  
18 the DA starts asking questions, I've been saying  
19 this to everyone who's been testifying, which is  
20 the inquest proceeding is supposed to be secret  
21 or confidential.

22 I can't order you not to discuss your  
23 testimony; and I know that you have family  
24 members who were there, whatever, so if you want  
25 to discuss with them, but beyond that what I'd

1 ask is that until the report is generated, that  
2 you not discuss your testimony with anybody.

3 THE WITNESS: Okay.

4 THE COURT: Thank you very much.

5 EXAMINATION

6 BY MS. GEMMILL:

7 Q. Good afternoon, sir.

8 A. Good afternoon.

9 Q. You have a microphone in front of you. It  
10 does amplify.

11 A. Okay.

12 Q. I might ask you to speak up sometimes.

13 A. Yes.

14 Q. -- as well.

15 A. Okay.

16 Q. Can you please introduce yourself to the  
17 Court and spell your first and last name for us?

18 A. Sure.

19 My name is Eli Olidort, spelled E-L-I,  
20 first name.

21 Last name is O-L-I-D-O-R-T.

22 Q. Sir, how old are you?

23 A. Thirty-six.

24 Q. Can you tell us what your date of birth is?

25 A. March 4, 1986.

1 Q. Sir, do you currently work?  
2 A. Yes.  
3 Q. What do you do for work?  
4 A. I'm an optical engineer.  
5 Q. Optical engineer?  
6 A. Yes.  
7 Q. What does an optical engineer do?  
8 A. I -- we -- lasers, mainly, lasers, play with  
9 light, manipulate light.  
10 Q. Where do you currently live?  
11 A. In Lexington, Massachusetts. What --  
12 Q. What is your address, yeah.  
13 A. -- the address?  
14 Nine Burlington Street.  
15 Q. How long have you lived at that address?  
16 A. A year and a half.  
17 Q. Where were you living before you moved to  
18 that address?  
19 A. Israel.  
20 Q. And how long were you in Israel for?  
21 A. Almost nine years.  
22 Q. Were you living in Jerusalem?  
23 A. Jerusalem, yes.  
24 Q. Who else lives at 9 Burlington Street with  
25 you?



1 A. My in-laws. My wife, my kids, and my  
2 in-laws.

3 We moved from Israel into their house, and  
4 we bought a house recently. That's -- we're  
5 moving out soon, but, yes, we've lived with them  
6 ever since.

7 Q. You're moving out soon into your own house?

8 A. Yeah, soon.

9 Q. And your wife is Shaina; is that correct?

10 A. Correct.

11 Q. And your father in-law is Rabbi Bukiet?

12 A. Yeah, Rabbi.

13 Q. If you've been living in 9 Burlington Street  
14 for a year and a half, is it correct to say that  
15 you were living at 9 Burlington Street on  
16 February 12th of 2022?

17 A. Yes, that is correct.

18 Q. Okay. So I'm going to turn your attention to  
19 that day.

20 February 12th was a Saturday, correct?

21 A. Correct.

22 Q. Is there anything special that you do on  
23 Saturdays regularly?

24 A. Yes.

25 We go to synagogue, which is next -- kind

1 of next-door, it's in the same complex, and there  
2 are services there.

3           Afterwards there's a family meal.

4 Q. Okay. On that particular day, did you attend  
5 services?

6 A. To the best of my memory, yes.

7 Q. Okay. About what time did you leave the  
8 center where services were happening?

9 A. It's hard for me to remember. I would say  
10 one o'clock. I -- I don't know exactly, but  
11 that's roughly --

12 Q. So fair to say --

13 A. -- (inaudible) makes sense.

14 Q. -- like, midday?

15 A. Yeah.

16 Q. All right. And are services something that  
17 usually go on through the morning?

18 A. No, that's usually how -- they start at  
19 around ten and go on to, like, 12:30, something  
20 like that.

21 Q. Okay. Where did you go after you were done  
22 with services that day?

23 A. Home.

24 Q. You went home?

25 A. To the house, which is next-door.

1 Q. And to 9 Burlington Street, right?

2 A. Yeah.

3 Q. And to get back to 9 Burlington Street, it  
4 just is a few seconds of walk, pretty much,  
5 correct?

6 A. Yes.

7 They're actually both the same address.  
8 Both buildings are 9 Burlington Street.

9 Q. I see. So there's a house and then there's  
10 the center?

11 A. Yes.

12 Q. Okay. So you go home.

13 Do you make it inside of your house  
14 before --

15 A. Yes.

16 Q. -- you notice something?

17 A. Yes.

18 Q. Okay. So what do you do once you're back  
19 inside your house that afternoon?

20 A. I came back with my children and we -- there  
21 is, like, a playroom on the side of the house;  
22 and I think they started playing, they had just  
23 started playing, and suddenly I heard screaming  
24 outside.

25 Q. Okay.

1 A. That's -- yes.

2 Q. Your children, can you tell us what their  
3 ages were at the time?

4 A. At the time the oldest was eight; four, and  
5 two.

6 Q. Okay. So oldest is eight; middle child's  
7 four; youngest child was two at the time?

8 A. Yeah. Now they're all one year later, but,  
9 yeah.

10 Q. Okay. Was Shaina home with you at that  
11 point?

12 A. No. She was at her sister's house, which is  
13 across -- across the street, down a block.

14 Q. Okay. What side of the house is the playroom  
15 on?

16 Like, does that room have -- well, that's  
17 a bad question.

18 Does that room have windows?

19 A. Yes.

20 Q. Where do those windows look out onto?

21 A. It's hard for me to -- like, north, west and  
22 south, kind of. Yeah, okay.

23 Q. I am actually going to show you a close-up  
24 map of an aerial view of 9 Burlington Street.

25 A. Okay.

1 Q. And there's actually a marker right in front  
2 of you.

3 A. (Inaudible.) Okay.

4 Q. So you can have a seat and take that marker.  
5 So if you could just draw a little circle around  
6 the window where the playroom is on (inaudible).

7 A. Here is, and then there was (inaudible).

8 Q. Okay. So that whole side room is the same --  
9 that's a whole piece of the house --

10 A. That whole part, yes.

11 Q. -- is the same room?

12 A. This is all the playroom, yeah.

13 Q. Okay. And you're kind of drawing a little  
14 box around the edge of the house in this  
15 (inaudible), correct?

16 A. The playroom part, yes.

17 Q. The playroom part?

18 A. Yes.

19 Q. And fair to -- is this a -- fair to say this  
20 is an aerial view of your home, probably in the  
21 summer months?

22 A. Probably. It seems about right.

23 Again, I'm only here for a year and a  
24 half, I never looked (indiscernible) but --

25 Q. The leaves on the trees and that kind of

1 thing?

2 A. Yeah. Makes sense.

3 MS. GEMMILL: Your Honor, I'd ask that  
4 this be marked as our next exhibit.

5 THE CLERK: No. 44, your Honor, four,  
6 four.

7 (Exhibit No. 44, Map, received into  
8 evidence.)

9 MS. GEMMILL: Thank you.

10 BY MS. GEMMILL:

11 Q. Okay. So you're in this playroom, you start  
12 to hear screaming; is that what you told us?

13 A. Yes.

14 Q. Okay. Describe what you were hearing right  
15 at first.

16 A. Right at first I couldn't make out exactly  
17 what, it was just screaming, and then I looked  
18 out the window, and then I -- then I was starting  
19 to pay more attention to what exactly was being  
20 screamed and it was, Drop the knife, Drop the  
21 knife, or, Put down the knife, I don't remember  
22 the exact wording, but it was something either,  
23 Drop the knife, Put down the knife.

24 Q. Okay.

25 A. Something like that.

1 Q. When you first could hear screaming before  
2 you could make out words, were you able to tell  
3 whether there was more than one voice?

4 A. I don't remember.

5 Q. Okay. So you drew two circles on Exhibit 44  
6 reflecting two windows.

7 Can you tell us which of those windows you  
8 went to?

9 A. The front one, the one facing the street.

10 Q. Can you draw a little star next to the window  
11 that you went to?

12 A. Yes.

13 Is that clear enough?

14 Q. Yeah, that's great. Thank you.

15 When you look out that front window,  
16 what's your view to the street area?

17 A. So you -- you can see -- you see this -- you  
18 see the -- the kind of -- some grass, it's kind  
19 of through a bush -- part of it's through a bush,  
20 but there's some clearance where you see kind of  
21 some -- a patch of grass, and then the driveway,  
22 and then another patch of grass, and then the  
23 circle.

24 That's where -- that's what you see when  
25 you look straight out.

1 Q. So you get up to the window, now you're  
2 starting to be able to make out words.

3 A. Words, yes.

4 Q. Could you hear any other words besides the  
5 ones you've just described to us, the drop the  
6 knife or --

7 A. Not that I recall.

8 Q. Okay. What can you see out the window?

9 A. I see a few officers. I think three. I  
10 don't remember that very clearly.

11 And I see them facing -- so if I'm  
12 looking, they're facing my right.

13 Q. Okay.

14 A. And there's -- the right is partially  
15 obstructed with -- you could see with the bush  
16 there.

17 Q. So if they're to your right, they're  
18 facing --

19 A. No, they -- I could see --

20 Q. -- they're not to your right, they're facing  
21 to the right --

22 A. -- them kind of in front of me, and they're  
23 facing my -- yeah, my right.

24 Q. So they're facing up Burlington Street?

25 A. No, they're facing towards Burlington Street.



1 Q. Right. So they're facing towards Burlington  
2 Street.

3 A. Yeah.

4 Q. Okay. I'm just going to --

5 A. Towards the crosswalk, yeah, sure.

6 Q. -- give you this Exhibit 44 again.

7 Can you indicate for us --

8 A. Yeah, sorry.

9 Q. You have that there.

10 Can you give us, like -- a little, a one,  
11 two, and three of where you saw the police  
12 officers?

13 A. I don't know exactly, but let's say it's  
14 something like that, and they were facing this  
15 direction.

16 Q. Okay. So you -- you've drawn a one, two, and  
17 three.

18 Were they here, like, in your yard --

19 A. Yeah.

20 Q. -- in the driveway there?

21 A. In the driveway.

22 Q. Okay.

23 A. Again, that's what I recall.

24 Q. Can you see whether those police officers are  
25 holding anything in their hands?

1 A. I don't remember if it was at that point;  
2 definitely at some point they were, but in the  
3 beginning, it's hard for me to remember.

4 Q. Okay. Did those police officers stay in that  
5 first location or did they move somewhere else?

6 A. There was a slight shuffling, but more or  
7 less it was that location.

8 Q. Could you tell what they were looking at?

9 A. They were looking at something there. I  
10 think -- I had to -- I had to, like, bend my head  
11 to kind of see around the bush.

12 And at that point I was able to see the  
13 individual with the knife.

14 Q. You saw an individual with a knife, is that  
15 what you just said?

16 A. Yes, yes.

17 Q. Can you explain to us, describe to us where  
18 that person was?

19 And I'll give you the map back again and  
20 you can -- why don't you give us a -- a triangle  
21 for the place where you saw the man they were  
22 looking at.

23 A. Okay. Somewhere in this area.

24 Q. Okay. And you're drawing a triangle and kind  
25 of -- was he in the road at Burlington Street?

1 A. He was, like, right on the curb, little bit  
2 in the road, little bit on the -- I don't  
3 remember exactly, but something around there.

4 Q. Okay.

5 A. He was also, again, they were -- he was  
6 moving a little bit, so, shuffling back and  
7 forth.

8 Q. Can you describe what that man looked like?

9 A. He looked a little bit -- tall, broad. He  
10 was wearing, I think, a T-shirt that was not,  
11 like, fully covering his -- like, his stomach;  
12 like, it was showing a little bit. He looked not  
13 very well put together.

14 And he also seemed somewhat in, like,  
15 not -- like, dazed or something, like, not really  
16 en -- really not understanding or not  
17 comprehending fully what the officers were saying  
18 at him.

19 He was, like, just in his own world a  
20 little bit, (inaudible).

21 Q. Can you describe for us what you were  
22 physically noticing about this man that made you  
23 think he was dazed or not understanding?

24 A. I think he was just -- he just seemed to be,  
25 like, just looking at the officers and just

1 not -- not responding in any way, to the best of  
2 my memory, not responding in any way to what they  
3 were saying, not acknowledging that they were  
4 saying anything.

5 He was just -- like, like, a blank stare,  
6 and just, like --

7 Q. Okay. A blank stare. You were putting your  
8 hand up by your face.

9 Can you explain to me what -- is that a  
10 reflection of something you were seeing that man  
11 doing?

12 A. I think that's how he was holding a knife.

13 And, again, maybe like this, but he was  
14 holding a knife, he was holding a knife and just,  
15 like, pointing it at them kind of.

16 Q. Okay. So your memory today is that this man  
17 was holding the knife and it was pointing --  
18 where was it pointing?

19 A. Towards -- towards the officers.

20 Q. Okay. Could you see if that was his right  
21 hand or his left hand?

22 A. I'm pretty sure it was the right hand.

23 Q. Okay. When you first noticed this man, was  
24 he down on the ground, standing up, or something  
25 in between?

1 A. When I first noticed him, I think he was  
2 standing.

3 Q. Okay. Could you -- you said he had a blank  
4 look on his face.

5 Could you tell whether he was saying  
6 anything at anyone?

7 A. I don't think so.

8 Q. Okay. Did you continue to watch this  
9 interaction from your spot at that window in your  
10 playroom?

11 A. I did.

12 Q. Did you move to any other part of your home  
13 or outside to watch this at any point?

14 A. For one -- for one short moment I went to the  
15 front door, but I went back to the -- I didn't  
16 see anything -- I didn't really -- pretty much,  
17 no, I didn't witness from any other angle much.

18 Q. Can you tell us at what point you went to  
19 your front door?

20 A. During the -- during the standoff, during the  
21 screaming at some point. I don't remember  
22 (indiscernible).

23 Q. Okay. And in this map, I'm going to show you  
24 44 again, can you just indicate to us where the  
25 front door of the house is --

1 A. Sure. Yeah.

2 Q. -- if you can see it, and you can probably  
3 just right "front door" in the area.

4 A. FD, that's (inaudible).

5 Q. FD, that's good.

6 Okay. FD for front door?

7 A. Yeah.

8 Q. Okay. So when you went around to the front  
9 door, could you see anything of this interaction  
10 from the front door?

11 A. At the front door itself, kind of it was hard  
12 to see, but I went -- I think there were a few  
13 people standing; I think my -- some of the other,  
14 my brother-in-law, I think he was standing over  
15 there.

16 And he had a -- I was trying to see if he  
17 had a clearer view from where he was and he was,  
18 like, a little bit -- a few steps outside, and I,  
19 like, I don't think I ended up going there, I  
20 was, like, Oh, whatever, and I just went back.

21 It's a little lazy, but that's what I kind  
22 of remember.

23 Q. When you went back inside your house, where  
24 did you go?

25 A. Back to the playroom.

1 Q. Did you go back to the playroom?

2 A. Back to the playroom.

3 Q. Okay. Did you go back to that window to  
4 keep --

5 A. Yeah, yeah, yeah.

6 Q. -- to keep watching?

7 A. Yeah, yeah, yeah.

8 Q. All right. So while you're watching, did you  
9 see the police officers moving?

10 A. Again, yes, shuffling, moving.

11 It was all -- it was not major moves. It  
12 was just, like, they moved a few steps forward,  
13 he moved a few steps back, they moved -- it was  
14 kind of that kind of movement.

15 I don't know if that's descriptive enough.

16 Q. So did you see all of the police officers  
17 moving at some point?

18 A. I think so.

19 Q. Okay. And you're describing it was a few  
20 steps forward and a few steps -- a few steps  
21 back?

22 A. Some -- yeah.

23 It was kind of -- it was, like, they were  
24 kind of doing some kind of tango.

25 It was, like, he -- he would move back;

1 they would move closer to him, and he would  
2 charge; they would move back a little bit.

3 Not charge-charge, but he would, like,  
4 move up a little bit, they would move back. It  
5 was standard shuffling, or something.

6 Q. You used the word "tango."

7 Would it be accurate to describe it that  
8 in the sense of -- of a dance metaphor, that one  
9 side is responding to the movements of the other  
10 side --

11 A. Yes.

12 Q. -- and back and forth?

13 A. Yes.

14 Q. Okay. Could you tell -- so at some points  
15 the police officers were moving forward a little  
16 bit.

17 Could you see how the man with the knife  
18 responded when they would move forward?

19 A. To the best of my recollection, he moved  
20 back.

21 Q. Okay.

22 A. He just moved back a bit.

23 Q. And sometimes the police officers would move  
24 back as well?

25 A. I think it was he would move a little bit



1 forward.

2 I -- again, from what I am recalling, he  
3 would move a little bit forward, so they would  
4 move a little bit back in response to that; and  
5 then they would try to maybe get a little closer,  
6 he would move a little bit back.

7 Q. Can you describe -- I think I heard you use  
8 the word "lunging."

9 Can you just describe what you were  
10 talking about when you said that?

11 A. Um --

12 Q. I might have misheard you.

13 A. I'm not sure, but later on he lunged at them  
14 with the -- with the knife.

15 That was --

16 Q. Okay.

17 A. -- yeah, that's --

18 Q. So at some point you saw a lunge. Did any of  
19 his movements prior to that last --

20 A. So --

21 Q. -- movement look like that --

22 A. -- at one point I saw that he was actually --  
23 I remember seeing that he was on the floor, like,  
24 sitting up, (indiscernible) come to me, but he  
25 was on the floor; I think it was icy that -- I

1 told you that -- that my children said that he  
2 slipped on the ice or something, that was their  
3 explanation, but it was -- so that's how I  
4 know -- that's how I remember it was icy.

5 And at one point he was on the floor kind  
6 of by the curb and he was, like, sitting -- half  
7 sitting, half laying.

8 Q. Okay.

9 A. And then he got up -- if I remember  
10 correctly, he got up, and that's kind of when the  
11 police officers jumped back a bit.

12 , and that's when things escalated a bit  
13 more and they were like -- and they sort of,  
14 like, Drop the -- again, they screamed again, Put  
15 down the knife, or, Drop the knife.

16 And at some point I remember hearing what  
17 sounded like gunshots but nothing -- I didn't  
18 know what it was. I was, like, maybe it's blanks  
19 or something. Nothing happened.

20 The -- the stand -- everybody seemed to be  
21 in the same position, no movement.

22 And then one of the officers was -- was  
23 closer to the street. He was kind of -- it  
24 seemed like he had tripped back, tripped  
25 backwards, or, like, right by the curb, maybe he

1 tripped on the curb or something, or slipped, and  
2 that's when -- oh, I'm sorry, while this is all  
3 happening, three officers have -- I think three  
4 officers have their guns drawn.

5 One of them had some kind of orange on it,  
6 I think, or maybe two or three of them had  
7 orange, definitely I remember seeing orange  
8 there, big guns, like rifles or something.

9 And so one of the officers, I think the  
10 middle one of the three, kind of tripped and  
11 the -- the -- the individual with the knife kind  
12 of charged -- charged a little bit, it was like  
13 he had his opportunity, and that's when shots --  
14 that's when the real shots came.

15 And that was, I think, from the officer to  
16 his left.

17 Now, it wasn't all -- that's --

18 Q. Okay.

19 A. -- the picture I --

20 Q. So to try to break -- to break it up just a  
21 little bit here.

22 A. Sure.

23 Q. So you saw one, maybe two, maybe three of  
24 these police officers with, like, longer  
25 rifle-style gun; is that correct?

1 A. Yeah.

2 I think all of them, if I remember  
3 correctly.

4 Q. Okay. The officer who you saw slip, I think  
5 you said he slipped backwards?

6 A. Kind of like, yeah.

7 Q. And you're kind of making a motion like you  
8 fell -- like you're falling back?

9 Is that -- is that accurate?

10 A. Yeah. I think he -- yeah, he ended up on his  
11 bum, like.

12 Q. Okay. So he ended up -- he actually fell  
13 down all the way, like, onto his butt?

14 A. Yeah.

15 Q. Okay. Do you remember if that officer was  
16 carrying a weapon that you could see?

17 A. To the best of my memory, yes, he was.

18 Q. What do you remember about that weapon?

19 A. It was a rifle or something, and I don't  
20 remember if it was with the orange or not.

21 Q. Okay. You remember a rifle, you're not sure  
22 if it was the orange rifle?

23 A. Not sure.

24 Q. Okay. So with the -- the moment that he's  
25 falling, where is the man with the knife?

1 A. He's, like, a few steps in front of him, he's  
2 like, me to you or something like that.

3 Q. You to me.

4 So, you know, we're maybe seven to eight  
5 feet --

6 A. Seven, yeah.

7 Q. -- from each other right now?

8 So is the man with the knife on the ground  
9 still, or is he standing up?

10 A. No, he's standing.

11 Q. He's standing up?

12 A. To my memory, he's standing.

13 Q. Okay. Can you describe what you saw, what  
14 movements you saw from him?

15 I know we've gone over it a little bit,  
16 but --

17 A. Just, like, the moving forward with the  
18 knife.

19 Q. Okay.

20 A. Again, I don't remember if it was this, like,  
21 (inaudible) like this; but he was like -- the  
22 impression was that the officer fell, he has  
23 his -- he can -- he has his opportunity or  
24 something, something along those lines.

25 Q. He has the opportunity for what?

1 A. To -- to go in for the -- I don't know, to  
2 attack.

3 Q. And you're making -- you're holding that --  
4 that imaginary knife in your right hand.

5 Did it appear to be pointed at --

6 A. Yes.

7 Q. -- any of the police officers?

8 A. Yes, yes, to -- to the best of my memory,  
9 yes.

10 Q. Could you see which police officer he was  
11 moving towards?

12 A. The middle one, the one that fell.

13 Q. The one that fell?

14 A. Again, to the best of my memory.

15 Q. Okay. And then you said at -- so at what  
16 point did you hear a set of shots?

17 A. So --

18 Q. You had heard the first shots that no one  
19 (indiscernible)?

20 A. -- it was -- (indiscernible), yeah.

21 That was right then.

22 Right then when he -- the officer fell,  
23 and he kind of charged a bit forward and like,  
24 within a few seconds there were shots.

25 Q. Okay. Could you see whether the man with the

1 knife made any forward progress towards the  
2 police officer?

3 A. To the best of my memory, yes, but I'm not  
4 100 -- I can't swear it.

5 Q. Okay. Did you have a sense of how close he  
6 was to the police officer who had fallen when he  
7 heard the shots?

8 A. Pretty much like I described.

9 Q. Okay.

10 A. Step forward; step closer (indiscernible).

11 Q. All right. So a couple steps closer?

12 A. No, maybe it's -- maybe one step closer.

13 Q. One step closer?

14 A. Or -- yeah.

15 Q. Did the -- at the time you heard the shots,  
16 where was the police officer who had fallen?

17 A. He was pretty much in the same position he  
18 was when the shots came.

19 He had fallen; he was sitting kind of on  
20 his -- on his bum.

21 He was -- it had all happened so quickly,  
22 that I don't -- nothing --

23 Q. So he had not stood back up at the time?

24 A. Not as far as -- not that -- not that I  
25 remember.

1 Q. What did you see happen with -- to the man  
2 when you heard that last round of shots?

3 A. So he -- he fell. I don't remember exactly  
4 how he fell, but he fell to the ground, and he  
5 was bleeding from his stomach area.

6 Q. How could you -- how could you tell?

7 Could you see that?

8 A. I -- I saw -- well, first of all, I saw --  
9 there was blood on -- there was a puddle  
10 afterwards, but also, it -- I do remember seeing  
11 blood, something, some kind of blood here.

12 I -- I do want to just add that some of --  
13 some of that, especially where he was, was a  
14 little bit coming in and out of view because of  
15 that tree that's there.

16 Q. Okay.

17 A. So it's not -- part of the time the view was  
18 partially obstructed, so.

19 Q. Okay.

20 A. I'm just piecing together what I remember.

21 So -- so he fell, one of the officers ran  
22 over, stepped on his -- on his right hand, took  
23 off -- took out the knife, and then they quickly  
24 started trying to resuscitate him. It was, like,  
25 very quick.



1 Q. Did you -- did you hear any of the police  
2 officers saying anything to him after those shots  
3 are fired and before you saw the police officer  
4 put his -- his -- put his foot on the man's hand,  
5 or the man's arm?

6 A. No, I don't recall.

7 Q. Okay.

8 A. There might have been -- going back a bit,  
9 there might have been some talk of, like, We  
10 want -- we're trying to help you, or something  
11 like that --

12 Q. Okay.

13 A. -- vaguely.

14 Like, together with the screaming of, Put  
15 down the knife.

16 Q. Okay. At any point do you remember hearing  
17 any words from the man with the knife?

18 A. I don't recall.

19 Q. Okay. One moment.

20 MS. GEMMILL: Mr. Olidort, thank you.

21 I don't have any further questions for  
22 you.

23 MR. MCDONALD: No questions.

24 THE COURT: Mr. Heineman?

25 MR. HEINEMAN: Thank you.

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EXAMINATION

BY MR. HEINEMAN:

Q. Just a couple follow-ups.

A. Sure.

Q. I've been given some police reports, and it's a little unclear to me, so let me ask you.

A. Sure.

Q. Were your children home that day?

A. They witnessed whatever I witnessed.

Q. So they were there watching as well?

A. Yes, unfortunately.

Q. That must have been traumatic for them.

A. Yes, it was.

Q. I'm sure you've talked with them since this incident about helping them process what they saw and things of that nature?

A. So I haven't spoken with them that much about it because, first of all, part of the -- like I said, part of it was obstructed, and I -- they saw -- they saw the beginning, and they heard the screaming, so for me then to tell them, Go away, it was, like, not going to work, so -- and then when the -- when it ended the way it ended, it kind of -- maybe they -- they didn't -- I was hoping maybe that they didn't see all -- all the

1 details. They definitely didn't know what the  
2 extent of the -- of the injury was.

3 I didn't know that. We found out later.  
4 And they did see a little bit of blood and that  
5 my -- I think it was my four-year-old, was like,  
6 Oh, yeah, he slipped on the -- on the ice and  
7 he -- he cut himself. Like, that was, and I was,  
8 like, okay, that's fine, so.

9 Q. So, as I understand it, your father-in-law  
10 also witnessed part of this, correct?

11 A. Yes.

12 Q. And your brother-in-law --

13 A. Israel.

14 Q. -- Israel --

15 A. Israel.

16 Q. -- also witnessed some of it?

17 A. Yup.

18 Q. Am I right that the three of you have talked  
19 about processing what you each saw and trying to  
20 piece things together.

21 A. Not much.

22 I mean, we -- we -- at the time we  
23 discussed, Oh, my God, what just happened,  
24 whatever; but now, since then, not -- not much,  
25 no.

1 Q. Okay. Well, right after it happened, did  
2 the -- did the three of you say, Did you see  
3 this? I saw this.

4 A. Yeah, yeah, a little bit of that, yeah.

5 Q. And -- and so I want to try to drill down  
6 through all of that --

7 A. Sure.

8 Q. -- now eight months later --

9 A. Yes.

10 Q. -- and -- and try to get -- ten months  
11 later -- and try to get to what you have a  
12 natural memory of seeing versus they kind of --  
13 maybe somebody told you.

14 A. Yeah, yeah.

15 Q. The -- while these people are outside your  
16 house -- the police officers and this man -- am I  
17 right that for you to see the police officers,  
18 you could see them fine looking straight ahead,  
19 but to see the man, you had to kind of crane your  
20 head a little and look off to the side?

21 A. Yes.

22 Q. Because the view of the man for the -- like,  
23 had you not done that -- was obstructed by some  
24 trees or something there?

25 A. Yes. Yes, but, like I said, there was a

1 little bit of shifting, so it could be at some  
2 point I just stand there, like I say, I don't  
3 remember perfectly, but it could be, like, at  
4 some point he was perfectly in view, and at other  
5 times I had to go like this, and at other times  
6 going like this still didn't help, so...

7 Q. Understood.

8 And so what were you focused on while you  
9 were looking out?

10 Were you trying to track the man and move  
11 to follow him? Were you looking at the police  
12 officers when you couldn't see the man? Or were  
13 you going back and forth?

14 A. I was going back and forth.

15 Q. All right. And while you were doing that,  
16 were you able to see at times the police officers  
17 with the long guns pointed at the man?

18 A. Yes.

19 Q. And were you able to see them shoot the man  
20 with those long guns?

21 A. No. I --

22 Q. I'm sorry, go ahead.

23 A. To -- can you clarify that -- like, did I see  
24 the actual -- I don't know which officer shot, so  
25 that's what I'm saying. I didn't see -- I heard

1 shots.

2 Q. Okay.

3 A. It was hard -- I can't tell -- I could -- I  
4 wasn't able to tell -- it could be I was even  
5 looking at the officers, but I still couldn't  
6 tell which gun the shots came from, that was the  
7 first round, and they were -- I don't know what  
8 they were, but they were blanks or something; and  
9 the second round, I also couldn't tell for sure.

10 For some reason, in my mind, it made sense  
11 that it came from the -- maybe -- again, maybe  
12 this is my mind filling in the blanks here, but  
13 it was the cop -- the officer on the left. I  
14 definitely did not see for certain which officer  
15 shot.

16 Q. Okay. So it would be a fair summary to say  
17 that while you could hear shots at various  
18 points, you're unable to place those shots with a  
19 particular officer?

20 A. Correct. For certainty, yes -- with  
21 certainty.

22 Q. And for how long a period were you at that  
23 window, if you had to estimate in terms of  
24 seconds or minutes, whatever you're comfortable  
25 with.

1 A. Minutes. Many minutes.

2 Q. Many minutes.

3 A. Ten minutes, 15 minutes, maybe -- maybe more.

4 Q. And so fair to say over that 10 or 15 minutes

5 there were times you could see the man, there

6 were times --

7 A. Yes.

8 Q. -- you could see the officers, times you

9 couldn't see the man?

10 A. Correct.

11 Q. Were there times when the man was sitting on

12 the ground that you could see him sitting on the

13 ground?

14 A. I don't remember sitting, per se. I remember

15 kind of, like, a laying motion, yeah.

16 Q. Laying.

17 A. Yes.

18 Q. Could you see him laying on the ground?

19 A. Yes, at some point at least, yes.

20 Q. Do you have a memory of when the man was

21 laying on the ground, during that time, also

22 hearing shots being fired?

23 A. No.

24 Q. Okay. Let me jump ahead to the final

25 shooting, if I could.

1           You told us that you saw the officer fall.  
2           That was in your direct line of vision,  
3 correct?

4       A.   That was also a little bit to the right, but,  
5       yeah.

6       Q.   In reading the police report that was  
7 prepared after they interviewed you, they said  
8 that -- they wrote that after the -- the man  
9 fell, after the officer fell, you saw the man  
10 come back into view.

11           Do you remember telling them that?

12       A.   It sounds about right, yeah.

13       Q.   So am I right that at -- at the time that the  
14 officer fell, you -- you couldn't tell us what  
15 the man was doing at that moment?

16       A.   That's possible.

17       Q.   But when you saw the man next, he was  
18 standing and moving a step or so towards the  
19 downed officer?

20       A.   Yes.

21       Q.   And at that moment in time, your best  
22 estimate is that the man was somewhere -- after  
23 he took the step, six or seven feet away from the  
24 officer?

25       A.   Give or take, yeah.



1 Q. Okay. I don't want to put words in your  
2 mouth.

3 A. Yeah, I -- I don't -- I didn't measure.

4 Q. Okay.

5 A. Give or take.

6 Q. So -- I'm just going to approach.

7 A. Yeah.

8 Q. If you could kind of estimate for me, if  
9 you're the officer who's on the ground, tell me  
10 to stop when I get as close --

11 A. Okay.

12 Q. -- as the man who was taking the step towards  
13 (indiscernible).

14 A. I would say about there.

15 Q. All right.

16 A. I think.

17 MR. HEINEMAN: The record will reflect --

18 THE WITNESS: Give or take.

19 MR. HEINEMAN: -- give or take.

20 THE COURT: Give or take.

21 MR. HEINEMAN: All right.

22 BY MR. HEINEMAN:

23 Q. Am I right -- I think you told me this, but I  
24 just want to make sure I'm clear -- am I right  
25 that you can't tell us which officer shot the

1 last shots?

2 A. I can't say for certain. I can't say for  
3 certain.

4 MR. HEINEMAN: Thank you.

5 That's all the questions I have.

6 Thank you.

7 THE WITNESS: You're welcome.

8 THE COURT: Anything else?

9 MS. GEMMILL: Nothing further.

10 Thank you.

11 THE COURT: Sir, thank you very much.

12 MR. MCDONALD: Excuse me, I do have one  
13 further question.

14 THE WITNESS: Yup.

15 THE COURT: You do?

16 MR. MCDONALD: Yes.

17 THE COURT: I'm sorry.

18 THE WITNESS: That's okay.

19 EXAMINATION

20 BY MR. MCDONALD:

21 Q. So, Mr. Olidort, I'm reading from a statement  
22 that the police took when they met with you.

23 A. Back then?

24 Q. Back then, yes, shortly after the -- the  
25 event.

1 Do you recall that meeting?

2 A. Vaguely, but (indiscernible).

3 Q. Yeah. So the -- the officer wrote, At the  
4 same time he viewed the second officer coming  
5 into view, he saw the suspect with a knife very  
6 quickly come into view towards the officer that  
7 was on the ground.

8 Was the -- was the man who was coming  
9 forward with the knife moving very quickly?

10 A. I don't recall. If that's what I said then.  
11 I don't know.

12 Q. Thank you.

13 EXAMINATION

14 BY MR. HEINEMAN:

15 Q. And, just for the record, you didn't give a  
16 written statement to the police; you talked to  
17 them and then they wrote something down, right?

18 A. I don't think I gave a written statement,  
19 yeah.

20 Q. Thank you. That's all.

21 THE COURT: All right. Now I think  
22 you're all set.

23 THE WITNESS: Okay. Thank you.

24 THE COURT: Thank you very much.

25 (Witness excused.)

1 MS. GEMMILL: All right. Your Honor, I'm  
2 going to return Exhibit 44 to Mr. Rojas.

3 THE COURT: Thank you.

4 Let me just take a look at that.

5 MS. GEMMILL: There you are.

6 And we would also offer the interview  
7 report of Shaina Bukiet and Eli Olidort as our  
8 (inaudible, please).

9 THE CLERK: Exhibit 45; four, five, your  
10 Honor.

11 (Exhibit No. 45, Bukiet/Olidort Police  
12 Report, received into evidence.)

13 MR. VAN EPPS: Your Honor, that's it for  
14 live witnesses for this afternoon.

15 THE COURT: Okay.

16 MR. VAN EPPS: We have a full day lined  
17 up for tomorrow.

18 If I could just have a second to look at  
19 my file because I (indiscernible).

20 THE COURT: Sure.

21 MR. VAN EPPS: I was also made aware that  
22 the police at one point tried to interview Aaron  
23 Cass from Eliot, and he declined to speak to them  
24 over the phone, so I was given, you know, a  
25 three-sentence report that basically says that,

1 which I would give to counsel.

2 THE COURT: All right. Okay.

3 MR. VAN EPPS: I don't know that we need  
4 introduce it, but I just want to make you aware  
5 of it.

6 THE COURT: All right.

7 MR. VAN EPPS: I also want to make the  
8 Court aware that, you know, in discovery we  
9 produced photos, (inaudible) view, there's also,  
10 as you know, there's videos that they took at  
11 different points of the crime scene.

12 The State Police also has, I guess what I  
13 would call their own -- it's a software that  
14 they've set into, like, a Google Earth-type, you  
15 could move through it and it shows the placards.

16 It doesn't show the actual event, but it  
17 shows the placards.

18 It requires -- I haven't been able to  
19 make it work on any PC, I've been shown it,  
20 because it's got the hardware and the software --

21 THE COURT: You can -- you can watch it  
22 on a Mac. Shocker.

23 MR. VAN EPPS: Right. So -- again, I  
24 don't think it would be helpful to the Court,  
25 especially where we are now, but I think in

1 fairness, I just want to make the Court aware of  
2 it.

3 THE COURT: Okay. All right.

4 I just -- I was also -- I was made aware  
5 today that we may have a problem with the January  
6 4th date.

7 MS. GEMMILL: Oh.

8 THE COURT: I think our clerk is going to  
9 be away, so we may have to reschedule that day --

10 MR. VAN EPPS: Okay.

11 THE COURT: -- unless we can figure  
12 something else out, but that would be the plan,  
13 would be reschedule that.

14 And not holding -- Mr. McDonald, not  
15 holding you to anything one way or the other, but  
16 I see on the list, there are several Lexington  
17 police officers, including your clients.

18 Is the plan to have them testify, or  
19 you're not sure?

20 MR. MCDONALD: I'll make that decision at  
21 the time.

22 THE COURT: Okay. All right.

23 Because, obviously if, you know,  
24 depending upon -- although tomorrow looks like a  
25 full day.

1 MR. MCDONALD: I -- I think -- it's  
2 likely I will --

3 THE COURT: Okay.

4 MR. MCDONALD: -- in terms of planning  
5 the time.

6 THE COURT: All right. Then we will need  
7 a fourth day, so.

8 MR. VAN EPPS: And I think -- so  
9 Detective Lieutenant Cahill is actually out -- I  
10 think he's out of state this week, which is why I  
11 put him on the fourth.

12 THE COURT: Okay.

13 MR. VAN EPPS: As well as DiChiara, I  
14 believe is out of state.

15 So I think if you're going to pick a new  
16 date in January, so we have (inaudible).

17 THE COURT: Carlos, when are you back?

18 THE CLERK: I am back to work on the  
19 12th, your Honor, which is a Thursday.

20 THE COURT: All right. So that  
21 following -- maybe we could see about that  
22 following Wednesday.

23 THE CLERK: I can take a look right now.

24 THE COURT: Can you tell me what your  
25 schedules are -- what's that date?

1 THE CLERK: That would be the 21st, your  
2 Honor.

3 THE COURT: The 21st of January?

4 MR. VAN EPPS: Could we --

5 THE COURT: We could -- we could do --

6 THE CLERK: Sorry, Judge, check  
7 (inaudible).

8 THE COURT: Yeah, we can deal with that  
9 tomorrow or do it some other time.

10 I mean, now that we know that it's not  
11 going to be the fourth.

12 MR. VAN EPPS: Okay.

13 THE COURT: Just -- but I do want to do  
14 this sooner rather than later. I'm sure  
15 everybody else is -- the 18th, even better.

16 THE CLERK: The 18th of January.

17 MR. VAN EPPS: All right. So we'll check  
18 with our people and --

19 THE COURT: That's fine.

20 MR. VAN EPPS: -- see what the story is.

21 THE COURT: But, yeah, we'll figure --  
22 we'll figure that out.

23 THE CLERK: I can make it work, your  
24 Honor.

25 MR. MCDONALD: I -- I cannot make the



1 18th.

2 THE COURT: Okay. What about the 19th or  
3 the 20th?

4 MR. MCDONALD: The 20th I can.

5 THE CLERK: (Inaudible.)

6 THE COURT: So --

7 MR. HEINEMAN: Both of those work for me,  
8 19th or 20th.

9 THE COURT: Again, we're not picking it.

10 MR. VAN EPPS: Yeah, yeah.

11 THE COURT: I'm just -- if we know what  
12 days are not good --

13 MR. VAN EPPS: Right.

14 THE COURT: -- then that makes the dance  
15 a little simpler.

16 MS. GEMMILL: I can do the 20th. I can  
17 do that, your Honor.

18 MR. VAN EPPS: I would actually, just  
19 thinking about -- I would actually ask for  
20 something the week of the 23rd, because the  
21 trial -- the custody trial that I moved to do the  
22 inquest --

23 THE COURT: Is back?

24 MR. VAN EPPS: -- I moved to  
25 January 17th.

1 THE COURT: Okay.

2 MR. VAN EPPS: So -- and I got -- I got  
3 charged fee trial time for it, so...

4 THE COURT: Understood. What are those,  
5 Wednesday, Thursday, Friday, the following week?

6 THE CLERK: The 25th through the 27th,  
7 your Honor, right now looks like -- January 25th,  
8 Wednesday, does work, the 26th also works, and so  
9 does the 27th, your Honor.

10 THE COURT: Okay.

11 THE CLERK: Those three days are wide  
12 open.

13 THE COURT: So we'll --

14 THE CLERK: For this courtroom.

15 THE COURT: -- we'll figure that out.

16 I guess we won't tie everybody up  
17 figuring that out because we know we have to  
18 check with the witnesses anyway, so, but just if  
19 we can be thinking about days, and, again, as I  
20 said, my -- my preference is for all concerned to  
21 have this done as soon as possible so...

22 Anything else that we need? All right.

23 See everybody tomorrow. Same time.

24 MS. GEMMILL: Thank you, your Honor.

25 MR. MCDONALD: Thank you.

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THE COURT OFFICER: All rise.

Court will be in recess.

(At 3:39 p.m. court adjourned.)



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<p>168 15, 168-19, 168 20, 170-2, 170 6, 170 15, 170 17, 171 15, 173 14, 173 18, 173 20, 174 8, 175-17, 176 1, 176 15, 176 22, 177 13, 177 15, 178 5, 178 23, 179 4, 179 11, 179 13, 180 5, 181 17, 182 12, 182 13, 182 25, 183 5, 183 6, 184 2, 184 16, 185 21, 185 23, 186 14, 186 19, 186 23, 187 4, 188 21, 188 24, 189 15, 192 2, 192.15, 192 21, 192 22, 193 12, 193 23, 194 8, 195 19, 196 5, 196 16, 196 21, 196 24, 197 15, 197 24, 198 1, 198 2, 198.4, 199 2, 199 25, 200.5, 200 7, 201 8, 201 9, 201 20, 202 9, 203 7, 203 12, 203 13, 203 14, 203 15, 203 16, 204 11, 204 13, 204 24, 206 13, 206 24, 207 3, 207-14, 208.14, 208 17, 208 25, 209 21, 210 10, 211 2, 211 4, 211 11, 211 22, 211 23, 211 24, 212 1, 212 4, 212 5, 213 4, 213 10, 214 5, 214 6, 214 14, 214 15, 214 25, 215 1, 215 5, 215 6, 215-9, 215 10, 215 20, 216 7, 216 8, 216 21, 219 10,</p>	<p>221 7, 221 10, 222 8, 222 13, 222 14, 222-16, 222 18, 223 2, 223 23, 223 24, 224 1, 224 2, 224 17, 224 23, 224 25, 225 7, 225 13, 225 23, 227 17, 227 24, 228 4, 228 5, 228 6, 228 8, 228.9, 228 11, 228-12, 228 19, 230 8, 230 11, 230 18, 230 25, 231 1, 231 19, 232 19, 232 20, 232 22, 233 16, 234 2, 234 4, 234 10, 234 12, 234 15, 235 1, 235 2, 235 11, 235 16, 238 13, 238 14, 238 15, 239 3, 239 5, 239 10, 239 20, 240 4, 240 13, 240 14, 240 16, 240 17, 240 22, 242 15, 243 9, 243 10, 243 20, 243 21, 244 7, 244 8, 244 11, 244 21, 244 23, 244 24, 245 11, 246 10, 246 20, 247 2, 247 8, 247 10, 247 16, 249 4, 249 11, 249 15, 249 17, 249 18, 249 20, 250 6, 251 20, 252 24, 253 5, 253 12, 254 14, 255 9, 256 16, 257 4, 257 14, 257 20, 258.3, 259 4, 259 9, 259 21, 260 13, 260-17, 260 23, 261 1, 261 4, 261 5, 261.9, 261 13, 261 19, 261 23, 263 10,</p>	<p>263 19, 263 21, 264 9, 265 10, 265 16, 266 6, 266 14, 266 20, 266 24, 267 6, 267 9, 267 10, 267 12, 267 19, 268 5, 268 7, 268 9, 268-12, 268 14, 269 3, 270 12, 270 16, 270 17, 270 18, 270 21, 271 12, 271 13, 271 19, 271 20, 272 2, 272 4, 272 8, 272 15, 272 22, 272 25, 273 3, 273 4, 273 5, 273 6, 273 18, 274 11, 274 12, 275 12, 275 20, 276 7, 276 16, 276 19, 276 21, 277 1, 277 15, 278 16, 278 23, 278 24, 279 5, 279 11, 280 9, 280 13, 281 8, 282 3, 282 6, 283 4, 284 4, 284 11, 284 20, 284 25, 286.16, 286 18, 286 22, 287 15, 287 20, 288 4, 288 18, 290 21, 291 5, 291 15, 291 18, 292 4, 292 16, 292 18, 292 24, 293 13, 293.14, 293 22, 294 5, 294 24, 295 7, 295 15, 295 19, 295 23, 297 15 a.m [5] - 5 3, 25 15, 25 16, 83 22, 83 23 Aaron [1] - 292 22 abdomen [10] - 34 12, 41 7, 42 4, 51 22, 51.23, 52 8, 53 20, 70-25, 75 22, 81 13 abdominal [5] - 41 10, 41 15, 43 1,</p>
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<p>48 7, 63 22  <b>able</b> [32] - 16 21,  19 17, 20 18,  43 25, 66 12,  66 16, 68 24,  73 20, 86 3,  112 11, 113 10,  120 23, 122 1,  126 3, 158.7,  160 20, 161 18,  170 25, 175 20,  178 5, 181 6,  197 8, 205 3,  216 18, 253 15,  263.2, 264 2,  266 12, 285 16,  285.19, 286 4,  293 18  <b>about</b> [129] - 8 10,  8.11, 13 6, 18 14,  23 24, 27 14,  33 21, 33 22,  35 12, 36 10,  39 21, 40 23, 42 6,  43.10, 45 16, 48 1,  49 13, 51 1, 51 19,  54 5, 56 10, 63 16,  64 4, 66 13, 66 16,  66 17, 68 5, 68 24,  69 5, 71 18, 73 2,  73 7, 75 8, 76 2,  76 12, 80 18,  84 19, 84 21,  86 13, 89 7, 90 9,  92 24, 95 20,  97 19, 98 10, 99 6,  99 15, 100 24,  103 19, 108 23,  109 3, 109 4,  109 5, 109 25,  110 6, 113 12,  114 14, 119 2,  119 24, 120 5,  120 22, 121 22,  122 23, 130 5,  130 12, 132 2,  135 19, 137 3,  138 7, 141 7,  146 6, 149 8,  158 5, 161 25,  162 12, 164 20,  164.21, 166.23,  167 12, 167.23,  169.17, 170 12,  171.17, 172 9,</p>	<p>173 17, 173 24,  175 10, 184 22,  185 3, 185 7,  185.25, 187 17,  188.1, 188 8,  189.21, 191 24,  200 10, 204 19,  209 21, 214 25,  220 15, 222 17,  231 21, 235 4,  235 10, 243 6,  243 8, 247 6,  249 1, 249 23,  252 8, 258 7,  261 22, 267.22,  273 10, 276.18,  282 15, 282 17,  283 19, 288 12,  289 14, 295 21,  297.2, 297 19,  298.19  <b>above</b> [3] - 45 1,  53 24, 76 18  <b>abrasion</b> [15] - 35 16,  35 24, 40 3, 43 21,  43 22, 45.6, 52 12,  52 18, 52 19,  52 20, 53.23, 54 2,  55 16, 55 17, 55 21  <b>abrasions</b> [11] -  35 20, 42 17, 48 2,  48 4, 48 11, 55 20,  55 25, 57 2, 57 6,  57 7, 78 25  <b>absence</b> [1] - 48 1  <b>absolutely</b> [3] - 10 1,  24 7, 82 3  <b>accountant</b> [1] -  165 23  <b>ACCURATE</b> [1] -  301.3  <b>accurate</b> [12] - 21 25,  22 6, 22 11, 49 23,  108 23, 147 14,  150 9, 153 18,  155 12, 272 7,  276 9  <b>acknowledging</b> [1] -  268 3  <b>acquainted</b> [1] -  244 7  <b>across</b> [29] - 11 22,  12 21, 13 13,  13 14, 13 22,  13 24, 14 12,</p>	<p>16 15, 138 25,  139 4, 139 13,  167 7, 170 5,  175 15, 177 4,  192 4, 192 15,  192 16, 192.18,  193 8, 194 11,  195 4, 195.10,  195 22, 240 22,  241 4, 260.13  <b>act</b> [1] - 237 13  <b>ACTION</b> [2] - 301 8,  301 9  <b>actual</b> [13] - 30 18,  37 14, 40 5, 43 9,  43 24, 44 10, 48 6,  51 15, 118 11,  145 2, 250 3,  285 24, 293 16  <b>actually</b> [30] - 9.16,  28.2, 52 25, 60 2,  62 22, 67 25,  79.21, 90 20,  105 17, 112.12,  116 14, 126 11,  129.5, 129 6,  133 20, 150 20,  151 13, 187 18,  203 11, 211 8,  218 8, 231 23,  259 7, 260 23,  261 1, 273 22,  276 12, 295 9,  297 18, 297 19  <b>acutely</b> [3] - 70 22,  81 20, 81 22  <b>add</b> [1] - 280 12  <b>addition</b> [4] - 78 4,  95 24, 156 21,  194 12  <b>additional</b> [10] -  18 25, 20 10,  20.13, 32 17, 61 6,  63 5, 142 19,  142 20, 148 22,  210 11  <b>ADDRESS</b> [2] -  301 20, 301 23  <b>address</b> [8] - 201 7,  212 17, 221 16,  256 12, 256 13,  256 15, 256 18,  259 7  <b>addresses</b> [1] - 144 9  <b>adjacent</b> [1] - 10 8</p>
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<p> <b>adjourned</b> [1] - 299 3  <b>ADMINISTRATIVE</b> [1]                      - 301 5  <b>adult</b> [2] - 222 19,                      223 5  <b>adults</b> [1] - 225 6  <b>aerial</b> [3] - 230 12,                      260 24, 261 20  <b>affected</b> [3] - 47 21,                      66 3, 178 6  <b>affects</b> [2] - 28 6, 43 3  <b>affirm</b> [9] - 7 5, 25 22,                      84 7, 100 12,                      140 20, 164 6,                      199 20, 220 5,                      254 10  <b>after</b> [51] - 11 15,                      12 10, 16 5, 17 21,                      20 21, 20 24,                      21 18, 91 5, 92 8,                      92 20, 98 8, 98 21,                      113 16, 127 3,                      131 15, 131.21,                      132 4, 132 21,                      135 13, 136 10,                      136 21, 140 25,                      142 17, 164 22,                      168 5, 171 11,                      176 11, 178 4,                      186 20, 191 15,                      191 20, 194 18,                      207 22, 214 22,                      215 6, 217 24,                      218 13, 225 9,                      225 17, 246 6,                      248 1, 249 5,                      258 21, 281 2,                      284 1, 288 7,                      288 8, 288 9,                      288 22, 290 24  <b>afternoon</b> [17] - 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<p>293 2, 293 6, 294 3, 294 22, 295 6, 295 20, 296 17, 298 20, 298 22, 299 1, 300 16 <b>All</b> [2] - 6 16, 292 1 <b>almost</b> [7] - 16 19, 18 19, 45 2, 57 21, 79 3, 256 21 <b>alone</b> [1] - 15 1 <b>along</b> [12] - 5 25, 14 9, 36 7, 56 16, 74 10, 106:11, 108 7, 116 14, 152 16, 157 8, 231 21, 277 24 <b>alongside</b> [1] - 154 24 <b>already</b> [3] - 17 15, 170 3, 170 9 <b>also</b> [69] - 11 2, 27 21, 28 10, 31 7, 32 16, 34 15, 38 5, 38 21, 40 14, 41 2, 41 5, 41 25, 42 19, 43 21, 44 20, 45 6, 45 14, 46 19, 48 13, 49 10, 50 11, 50 23, 54 16, 56 1, 56 6, 57 12, 61 25, 66 22, 70 25, 75 24, 76 9, 76 22, 78 6, 87 14, 95 13, 97 12, 125 5, 139 6, 142 16, 145 11, 148 8, 148 13, 148 16, 150 21, 153 21, 156 21, 168 14, 176 2, 181 22, 183 13, 188 18, 194 14, 216 22, 248 9, 267 5, 267 14, 280 10, 283 10, 283 16, 286 9, 287 21, 288 4, 292.6, 292 21, 293 7, 293 9, 293 12, 294 4, 298 8 <b>Alter</b> [2] - 3 18, 221 1 <b>ALTER</b> [2] - 220 8, 221 1 <b>although</b> [2] - 68 10,</p>	<p>294 24 <b>always</b> [7] - 27 5, 35 4, 48 13, 67 20, 142 7, 142 9, 213.6 <b>AM</b> [2] - 301 8, 301 9 <b>am</b> [29] - 8.6, 12 12, 67 25, 79 24, 82:19, 93 15, 101 19, 108 23, 115 25, 132 13, 138.24, 141 21, 144:12, 156 11, 156 25, 157 25, 190 7, 195 3, 207 3, 231:15, 253 13, 260 23, 273 2, 283 18, 284 16, 288 13, 289 23, 289 24, 295 18 <b>amateur</b> [1] - 247 5 <b>ambulance</b> [8] - 112 4, 180 1, 184 23, 184 24, 185 3, 187 9, 217.14, 247 20 <b>among</b> [1] - 144 8 <b>amount</b> [3] - 63 3, 69 18, 118 25 <b>amplify</b> [1] - 255 10 <b>an</b> [60] - 11 21, 18 25, 20 10, 23:17, 26 7, 28 13, 28 22, 29 3, 29 18, 29 19, 29 21, 30 9, 30 13, 30 19, 32 2, 35 16, 42-15, 42 16, 43 21, 43 22, 45 6, 48 5, 49 4, 50 18, 55 15, 59 23, 61 5, 61 19, 65 8, 69 19, 73 20, 74 22, 84 16, 97 2, 100 21, 116 14, 116 19, 117 21, 118 11, 132 20, 141 4, 177 13, 177 20, 184 23, 185 3, 185 24, 187 9, 200 4, 217 12, 217.13, 224 15, 229 4, 230 12, 247 5, 247 19, 256 4, 256 7, 260 24,</p>	<p>261 20, 266 14 <b>AN</b> [1] - 301 2 <b>analysis</b> [2] - 58 15, 59 10 <b>analyze</b> [1] - 59 4 <b>analyzed</b> [1] - 58 4 <b>And</b> [3] - 83 4, 166 13, 191.8 <b>and</b> [1102] - 4 6, 6 3, 6 5, 6 7, 6 8, 6 10, 6 11, 6 14, 6 21, 7 4, 7 16, 7 22, 8 2, 8 4, 8 7, 8 8, 8 15, 8 16, 8.17, 9 13, 9:15, 9:25, 10 8, 10 11, 10 12, 10 18, 11 4, 11 8, 11 15, 11 17, 11.18, 11 20, 11 24, 12.2, 12 3, 12 11, 12:16, 12 18, 13.6, 13 10, 13 12, 13 19, 13 25, 14 22, 15 1, 15 8, 15 15, 15 19, 15 23, 15 25, 16 3, 16 5, 16 7, 16 8, 16 10, 16 15, 16 19, 16 21, 17 6, 17 9, 17 13, 17 21, 17 23, 17 24, 18 2, 18 5, 18 9, 18 12, 18 16, 18 18, 18 21, 18 22, 18 25, 19 16, 20 9, 20 13, 20 16, 20 22, 21 24, 22 3, 22 4, 22 13, 22 18, 22:23, 22.24, 23 3, 23 6, 23 8, 23 13, 24.25, 25.4, 26 4, 26 17, 26:22, 27 11, 27:14, 27 20, 27 25, 28 2, 28 4, 28 5, 28 7, 28 10, 28 12, 28 19, 29 1, 29 7, 29 17, 29 21, 29 22, 30 3, 30:5, 30 6, 31 2, 31 11, 31 13, 31 18, 31 21, 32 2, 32 5, 32.14, 32 17, 32:19, 32 20, 32.23, 33 1, 33 2,</p>
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<p>272 4, 272 16, 272 22, 272 25, 273 3, 273.4, 273 6, 274.11, 274 12, 275 12, 275 21, 277 15, 278 23, 280 14, 281 8, 283 4, 284 4, 285 1, 288 4</p> <p><b>black</b> [1] - 15 10</p> <p><b>blade</b> [9] - 161 14, 162 2, 162 7, 162 8, 162 11, 171 5, 192:22, 192 25, 195 24</p> <p><b>blank</b> [3] - 268 5, 268 7, 269 3</p> <p><b>blanks</b> [3] - 274 18, 286.8, 286 12</p> <p><b>bleed</b> [1] - 63 12</p> <p><b>bleeding</b> [3] - 40 11, 49 7, 280 5</p> <p><b>bleeds</b> [1] - 63 14</p> <p><b>block</b> [1] - 260 13</p> <p><b>blockaded</b> [1] - 216 14</p> <p><b>blocked</b> [1] - 184 24</p> <p><b>blocking</b> [2] - 216 24, 230 21</p> <p><b>blood</b> [22] - 49 3, 57 13, 57 20, 59 11, 59 12, 59 13, 59 15, 59 16, 59 17, 59 18, 59 19, 59 23, 60 4, 60 6, 63.3, 70 8, 146 3, 151 16, 280 9, 280 11, 283 4</p> <p><b>blue</b> [2] - 155 16, 162 17</p> <p><b>blunt</b> [18] - 49 4, 49 11, 49 22, 50 9, 50 15, 53 2, 54 20, 56 20, 74 4, 74 7, 75 5, 75 21, 76.6, 77.8, 77 11, 77 25, 78 1, 78 4</p> <p><b>board</b> [3] - 28 7, 28 9, 28 10</p> <p><b>board-certified</b> [2] - 28 9, 28 10</p> <p><b>bobbing</b> [1] - 10 10</p> <p><b>bodies</b> [1] - 28 13</p> <p><b>body</b> [58] - 22 3, 28 6,</p>	<p>29 19, 30 21, 30 22, 31 3, 31 6, 31 10, 31 20, 32 3, 32 10, 32 14, 32 15, 32 22, 33 1, 33 16, 33 21, 35 5, 35 6, 35 8, 35 19, 37 15, 37 22, 37 24, 42 16, 44 4, 45 25, 47 12, 47 24, 48 6, 49 22, 54 12, 57 14, 57 22, 61 11, 62 7, 62 17, 62 24, 62 25, 64 8, 64 12, 64 13, 64.25, 65 1, 65 2, 65 21, 65 22, 66 1, 68 13, 73 3, 73-8, 73 13, 79 22, 81.3, 120 9, 123 21</p> <p><b>body's</b> [3] - 68 11, 73 6, 89 12</p> <p><b>bone</b> [6] - 43 8, 43 18, 44 10, 44 11, 64 15, 67 2</p> <p><b>bones</b> [1] - 43 9</p> <p><b>Booma</b> [1] - 18 21</p> <p><b>Boston</b> [3] - 27 12, 27.13, 28 1</p> <p><b>both</b> [16] - 23-8, 37 6, 63-21, 63 22, 66 5, 71 4, 71 9, 89 20, 89 21, 90 18, 97.3, 101 11, 238 24, 259 7, 259 8, 297 7</p> <p><b>bottom</b> [3] - 22 3, 75 21, 159 3</p> <p><b>bought</b> [2] - 240 16, 257 4</p> <p><b>box</b> [2] - 154 18, 261 14</p> <p><b>boy</b> [1] - 227 17</p> <p><b>boys</b> [1] - 223 17</p> <p><b>brain</b> [1] - 32 1</p> <p><b>break</b> [8] - 62 15, 69 22, 83 14, 119 23, 199 2, 232 22, 275 20</p> <p><b>breakdown</b> [1] - 59 25</p> <p><b>breaks</b> [1] - 63 10</p> <p><b>Brendan</b> [59] - 5 11, 32 3, 61 21, 73 16, 73 17, 73 22, 75 17, 76 3, 76 13,</p>	<p>77:4, 77 22, 78 6, 80 19, 81 4, 81 5, 166 9, 166 10, 166 11, 167 1, 167 10, 168 23, 169 17, 170 4, 170 7, 170 18, 171 20, 172 9, 174 4, 175 2, 175 16, 176 14, 176 22, 178 6, 178 21, 179 12, 179 24, 180 1, 180 5, 180-23, 181 7, 182 9, 183 2, 185 3, 185 13, 186 8, 189 18, 190 10, 191 4, 191 10, 192 20, 193 3, 193 8, 194 13, 194 23, 195 8, 195 19, 195 23, 196 15, 196 24</p> <p><b>BRENDAN</b> [3] - 1 7, 300 11, 301-4</p> <p><b>Brendan's</b> [9] - 62.14, 78 18, 79 22, 80 10, 80 17, 80 22, 169 5, 182 23, 195 16</p> <p><b>Brennan</b> [6] - 5 5, 41 16, 164 14, 174 16, 189 23, 195 16</p> <p><b>BRENNAN</b> [1] - 1-11</p> <p><b>brick</b> [1] - 244 24</p> <p><b>bridge</b> [1] - 130 13</p> <p><b>brief</b> [3] - 83 14, 145 16, 191 21</p> <p><b>bring</b> [1] - 103 16</p> <p><b>broad</b> [1] - 267 9</p> <p><b>broke</b> [3] - 5 22, 51 8, 252 25</p> <p><b>broken</b> [1] - 142.24</p> <p><b>Brook</b> [1] - 27 24</p> <p><b>brother</b> [2] - 270-14, 283 12</p> <p><b>brother-in-law</b> [2] - 270 14, 283 12</p> <p><b>brought</b> [3] - 14 23, 32 19, 32 22</p> <p><b>brown</b> [6] - 13.11, 109 6, 109 8, 151 17, 151 19,</p>
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<p>69 19, 72 4, 86 16, 99 2, 99 6, 100 3, 103:9, 103 14, 103:25, 104 1, 104.3, 104 4, 106 3, 106 19, 107 14, 111 24, 113 1, 113 6, 113 9, 114 11, 114 12, 115 13, 116 11, 118 9, 119 22, 134.22, 136 6, 139 1, 140 2, 140 5, 144 12, 144 21, 145 2, 145 20, 145 23, 149 4, 149 5, 150 13, 163.13, 168 9, 174 25, 175 16, 175 21, 184 25, 186 1, 189 3, 189 25, 190 14, 191 2, 191 5, 192 9, 192 21, 193 7, 194 11, 198 14, 200 7, 200 8, 200 11, 202 6, 207 3, 223 21, 223 25, 226.10, 226 16, 227 2, 228 6, 228 8, 228 12, 230 1, 230 7, 231 15, 231 18, 231 23, 232 5, 233 8, 234 13, 237 1, 240 7, 242 14, 244 13, 245 2, 246 5, 248 19, 250 8, 257 18, 260.23, 265 4, 269 23, 270 19, 281.8, 282 22, 285 6, 285 13, 285 14, 289 6, 292 2, 294 8, 295 15, 296 11 <b>gone</b> [3] - 225 3, 225 5, 277.15 <b>GOOD</b> [1] - 300 15 <b>good</b> [49] - 5 7, 5 8, 5 13, 5 17, 5 19, 7 14, 7 15, 21 10,</p>	<p>21 11, 26 1, 26 15, 26 16, 72 12, 72 13, 83 10, 84 2, 84 13, 85 3, 85 4, 94 16, 99 2, 100 18, 101 8, 101 9, 117 2, 135 7, 135 9, 140 25, 141 14, 141 15, 165 4, 174 8, 189 14, 200 18, 208 15, 220 22, 228 20, 245 3, 248 20, 249 16, 249 20, 250 19, 251 4, 254 16, 255 7, 255 8, 270 5, 297 12 <b>Good</b> [1] - 5 14 <b>Google</b> [1] - 293 14 <b>gorgeous</b> [1] - 230 18 <b>got</b> [48] - 11 24, 22 23, 25 1, 60 13, 61 4, 74 25, 75 3, 82 23, 83 2, 83 3, 83 4, 87 2, 92 9, 92 15, 108 18, 109 20, 110 10, 111.18, 113 8, 115 6, 128 13, 128 16, 129 18, 133 22, 161 7, 161 8, 163 11, 163 12, 172 5, 176 14, 181 13, 189 5, 195 9, 195 15, 215 25, 244 12, 244 14, 244 17, 247 11, 248 22, 248 23, 249 7, 274 9, 274 10, 293 20, 298 2 <b>gotten</b> [2] - 20 16, 129 5 <b>GOULD</b> [1] - 140 23 <b>Gould</b> [8] - 3 11, 140 14, 140 16, 140 24, 141 2, 141 18, 156 5, 156 10 <b>graduating</b> [1] - 142 17 <b>Graham</b> [2] - 1 14,</p>	<p>5 15 <b>grass</b> [4] - 158 24, 263 18, 263 21, 263 22 <b>grassy</b> [2] - 139 4, 162 16 <b>gray</b> [1] - 175 13 <b>great</b> [2] - 85 12, 263 14 <b>green</b> [1] - 144 4 <b>grilling</b> [1] - 249 21 <b>gritty</b> [1] - 81 20 <b>groin</b> [1] - 43 19 <b>ground</b> [70] - 16 18, 17 8, 18 2, 19 17, 19 21, 22 16, 88 9, 89 10, 89 12, 89 18, 90.4, 90 15, 93 3, 95 6, 98 3, 116 1, 116 2, 117 18, 117 22, 117 23, 118 4, 118 5, 118 11, 118 14, 118 16, 118 22, 120 2, 120 3, 120 8, 122 1, 122 3, 123 12, 123 15, 123 19, 124 8, 124 10, 125 24, 126 23, 130 21, 131 17, 131 21, 136 21, 139 10, 139 13, 188 21, 193 9, 193 11, 194 19, 194 23, 206 15, 210 16, 211 20, 212:13, 214 9, 219 3, 235 15, 236 18, 244 12, 245 24, 250 12, 252 5, 268 24, 277 8, 280 4, 287 12, 287 13, 287 18, 287 21, 289 9, 291 7 <b>group</b> [4] - 146 16, 149 3, 150 8, 150 12 <b>grouping</b> [1] - 19 3 <b>groupings</b> [1] - 19 14 <b>Grove</b> [7] - 16 3, 107 5, 111 3, 111 4, 111 7,</p>
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<p>111 25  <b>grunting</b> [3] - 242 20,                  242 21, 242 23  <b>grunts</b> [1] - 243 1  <b>GSW</b> [4] - 39 16, 42 1,                  43 11, 43 13  <b>guard</b> [2] - 101 19,                  101 23  <b>guess</b> [9] - 69.5,                  71-18, 90 5,                  118 19, 185 1,                  187 13, 218 6,                  293 12, 298 16  <b>gun</b> [30] - 16-20, 17.4,                  17 18, 22 20,                  22 21, 64 9, 64 12,                  73 7, 73 16, 89 8,                  96 7, 96 17, 96 19,                  97 4, 97 7, 97 8,                  97 9, 97 10, 121 6,                  173 17, 173 18,                  173 24, 215 1,                  215 10, 243 9,                  244 8, 275 25,                  286 6  <b>guns</b> [19] - 19 5,                  96 22, 96 23,                  118 3, 121-4,                  121 7, 121 8,                  121 10, 121 11,                  121 16, 121 18,                  125 14, 130.16,                  173 16, 236-5,                  275 4, 275 8,                  285 17, 285-20  <b>Gunshot</b> [2] - 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<p>244 17, 244 20, 244 25, 245 8, 247 16, 247 21, 249 13, 250 5, 267 18, 269 1, 272 1, 277 1, 277 14, 280 24, 281 2, 285 11, 287 12, 287.18, 295 11 <b>himself</b> [1] - 283 7 <b>hinged</b> [1] - 241 25 <b>hip</b> [4] - 41 24, 43 5, 43 7, 44 7 <b>hips</b> [1] - 13 12 <b>his</b> [120] - 12 1, 16 18, 16 19, 19 21, 21 20, 22 3, 23.5, 87 13, 88 16, 89 11, 89 12, 90 8, 90.15, 90.17, 90 18, 90 23, 90 25, 92.24, 93 1, 93 2, 93.3, 93 6, 116 6, 124 6, 124.7, 124 8, 124 9, 128 16, 129 3, 129.5, 129 8, 133 11, 133 14, 133 24, 134 5, 134 7, 167 2, 169 19, 171 1, 171 2, 171 3, 171 6, 171 8, 172 11, 180 19, 181 10, 181 12, 187 12, 189 1, 192 23, 193 4, 193 22, 194 1, 194 3, 194.5, 195 10, 195 17, 195 18, 195 23, 195 25, 198 21, 210 1, 211 20, 213 5, 213 8, 213 15, 216 5, 234 6, 234 21, 234 22, 234 23, 235 7, 235 8, 235 9, 235 14, 235 18, 236 21, 236 22, 237 22, 237 24, 238 1, 238 2, 238 9, 238 11,</p>	<p>241 19, 243 16, 244 18, 245 23, 247.15, 249 22, 250 7, 251 14, 267 11, 267 19, 268 20, 268 21, 269 4, 273 19, 275 13, 275 16, 276 10, 276 13, 277 23, 279 20, 280 5, 280 22, 281 4 <b>hit</b> [7] - 65 22, 78 6, 176 12, 235 16, 236 5, 243 8 <b>hits</b> [8] - 42 15, 64 8, 64 12, 64 15, 64 24, 65 2, 67 1 <b>hold</b> [8] - 28 7, 80 1, 97 8, 114 25, 142 12, 211 10, 235 8, 249 19 <b>holding</b> [41] - 96 18, 107 20, 107 22, 107 23, 108 5, 108 7, 108 12, 108 13, 108 20, 118 3, 121 6, 121 8, 130 1, 130 2, 130 6, 133 20, 170 18, 170 21, 170 22, 170 23, 171 4, 173 12, 179 8, 181 7, 192 21, 215 9, 216 4, 238 16, 238 19, 238 24, 238 25, 239 4, 265 25, 268 12, 268 14, 268 17, 278 3, 294 14, 294.15 <b>hole</b> [1] - 64 22 <b>holster</b> [1] - 97 4 <b>home</b> [54] - 8 20, 10 7, 10 8, 14 1, 14 13, 16 2, 86 7, 86 10, 91 17, 91 23, 110 24, 111 10, 165 24, 165 25, 202 11, 202.18, 202 24, 205 4, 221 25, 222 3, 222 10, 222 12, 222.13,</p>	<p>223 2, 223.3, 223 16, 225 20, 225 25, 226 12, 226 17, 226 18, 226 20, 226 23, 227 2, 227 11, 230 12, 233 10, 240 23, 240 25, 241 3, 241 11, 241 15, 241 21, 241 22, 245 2, 248 14, 253 5, 258 23, 258 24, 259 12, 260 10, 261 20, 269 12, 282 8 <b>homes</b> [1] - 241 9 <b>honest</b> [5] - 204 8, 237 2, 237 25, 240.9, 242 12 <b>honestly</b> [1] - 133 7 <b>Honor</b> [58] - 5 7, 5 13, 5 17, 6 12, 21 5, 23 13, 24.18, 24 22, 25 12, 25 17, 32 25, 38 25, 47 7, 50 3, 67 12, 78 12, 79 8, 79 15, 83 13, 114 20, 135 1, 147 20, 151 1, 151 22, 152 10, 153 5, 154 4, 155 3, 155 24, 160 25, 161 9, 163 1, 163 9, 164 14, 186 15, 196 5, 196 8, 198 8, 198 17, 199 13, 200 15, 209 12, 218 20, 219 20, 230 3, 254 3, 262 3, 262 5, 292 1, 292 10, 292 13, 295 19, 296 2, 296.24, 297 17, 298 7, 298 9, 298 24 <b>HONORABLE</b> [1] - 1 11 <b>Honorable</b> [1] - 5 4 <b>hopefully</b> [1] - 24 4 <b>hoping</b> [3] - 240 7, 242 13, 282 25</p>
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<p><b>Hospital</b> [1] - 27 24  <b>hospital</b> [1] - 54 14  <b>house</b> [80] - 9 4, 9 5,  9 14, 10.11, 10 12,  10 13, 10 14, 11.5,  13 2, 14 15, 14 18,  98 15, 115 15,  116 5, 117 4,  153 25, 165 13,  166 3, 166.21,  167 2, 167.5,  167 8, 167 25,  169 5, 171 12,  175 5, 175 24,  181 8, 181 17,  181 24, 187 23,  189 18, 190 11,  190 17, 191 5,  191 24, 202 20,  204.23, 207 19,  207 21, 207.22,  207 23, 208 1,  208.2, 212 17,  212 19, 226 11,  227 3, 227 19,  227 21, 229 5,  229 6, 229 7,  229 19, 229 23,  232 1, 232 5,  245 4, 248.20,  248 21, 250 9,  253 2, 253.3,  253 4, 253.8,  257 3, 257.4,  257 7, 258.25,  259 9, 259 13,  259 19, 259 21,  260 12, 260 14,  261 9, 261 14,  269 25, 270 23,  284 16  <b>houses</b> [4] - 207 22,  208 2, 225 23,  241 10  <b>housing</b> [1] - 20 15  <b>how</b> [115] - 8 17,  9 18, 13:15, 16 23,  19 12, 19 18, 20.4,  20 20, 20 24, 27 9,  28 6, 28 15, 28 22,  29 2, 29 3, 48.5,  49 24, 51 19, 62 8,  64 20, 67 8, 69 9,  73 16, 73 21,  75 16, 77 21, 80 4,</p>	<p>80 16, 80 21,  80 22, 85 17,  85 19, 86.7, 89 22,  95 5, 98 12, 99 11,  101 22, 101 25,  102 6, 102 14,  102 22, 102 24,  104 5, 108 10,  109 25, 110 6,  116 25, 118.1,  120 8, 120 9,  120 22, 124 15,  127 11, 127 23,  129 9, 130 12,  130 20, 131 3,  132 3, 132 24,  133 19, 137 7,  138 3, 142 3,  160 20, 161 13,  162.1, 162 7,  165 18, 171 23,  172.5, 172.16,  172.25, 174 6,  174 17, 177 15,  178 6, 178.9,  178 19, 179 22,  181 13, 195 5,  197 18, 200 24,  201 7, 203 20,  204 10, 205.18,  206 19, 221 3,  221 24, 236 17,  236 18, 236 24,  238 18, 240 19,  241 19, 241 21,  246 6, 252 14,  255 22, 256 15,  256 20, 258 18,  268 12, 272 17,  274.3, 274 4,  279 5, 280 4,  280.6, 286 22  <b>however</b> [2] - 44 21,  114 6  <b>hum</b> [48] - 51 9, 55 7,  58 6, 66 15, 67 13,  70 4, 71 16, 76 8,  77 1, 86 15, 87 12,  91.12, 91 15,  93 24, 101 5,  102 5, 102 21,  103 13, 104 20,  106 6, 106 8,  106 17, 106 22,  108 22, 108 24,</p>	<p>109 14, 113 13,  115 2, 116:10,  127 2, 131 25,  135.14, 137 2,  137.5, 138.9,  202 8, 203 2,  205.7, 205 25,  206.4, 206 8,  208.9, 209 3,  209 18, 210 5,  210 20, 219 9  <b>human</b> [3] - 61 11,  177 6, 203 18  <b>humans</b> [1] - 243 2  <b>humor</b> [1] - 59 11  <b>hundred</b> [2] - 94 18,  94 24  <b>hurt</b> [1] - 187 10  <b>husband</b> [3] - 132 15,  202 5, 223 11  <b>hydroxybupropion</b>  [2] - 60 23, 61 4</p> <p style="text-align: center;">I</p> <p>I [1301] - 3 1, 5 1,  5 22, 5 23, 6 1,  6 13, 7 7, 7 20,  7 24, 8 5, 8 6, 8 7,  8 15, 10 9, 11 8,  11 9, 11 17, 11 20,  11 25, 12 3, 12 11,  12.12, 12 15,  12 17, 12 19, 13 4,  13 25, 14 11,  14 12, 14 14,  14 18, 15 3, 15 6,  15 9, 15 14, 15 16,  15 18, 16 7, 16 13,  17 6, 17 10, 17 22,  18 3, 18 9, 19 5,  19 9, 19 13, 21 4,  21 12, 21 13,  21 24, 22 1, 22 8,  22 9, 22 23, 23 13,  23 24, 24 5, 24 15,  24 25, 25 1, 25 4,  25 24, 26 21, 27 5,  27.13, 27 17,  27.20, 27 23,  27 25, 28 2, 28 8,  28 23, 29 17, 32 9,  32 21, 32 22,  32 25, 34 15, 35 2,  36 6, 39 10, 39 11,</p>
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<p>76 17, 78 5, 82 21, 86 4, 87 14, 89 25, 90 1, 91 19, 92 10, 92 18, 94 19, 100 17, 102 17, 102 25, 107 3, 107 5, 107 7, 107 8, 109 15, 110 23, 112 6, 112 8, 113 5, 115 16, 116 6, 116 7, 116 17, 116 20, 117 10, 117 11, 117 17, 118 6, 118 10, 119 18, 120 1, 122 11, 124 25, 126 8, 127.16, 129 15, 130 6, 130 8, 131 9, 132 7, 135 19, 136 22, 137 8, 137 10, 137 11, 137 21, 138 3, 138 12, 139 6, 139 8, 139 9, 143 5, 143.6, 143 11, 143 16, 144 3, 145.20, 146 2, 147 16, 148 1, 156 11, 156.14, 158 23, 159 15, 164 21, 165 18, 166 19, 166 20, 168 8, 168 14, 168 18, 168 25, 169 1, 169 5, 171 23, 172 5, 173 23, 175 14, 175.17, 176 1, 176 18, 176 19, 178 11, 180.5, 191 11, 194 12, 194 17, 197 18, 200 1, 201 13, 203 6, 204 8, 206 13, 209 24, 210 6, 210 10, 213.3, 214 2, 214 14, 216 22, 217 13, 222 5, 223 15, 223 16, 223 25, 224 17, 224 22, 224 25, 225 21,</p>	<p>226 5, 226 14, 227 12, 227 13, 230 24, 230 25, 231 7, 232 18, 237 6, 239:17, 241 14, 241 24, 243 10, 246 18, 249 6, 254 24, 257.22, 258 1, 258 2, 259 20, 261 7, 263 3, 264 16, 265 9, 265 20, 266 6, 266 9, 267.3, 270 12, 270 15, 270 19, 275 8, 278 24, 280 9, 280 15, 281 8, 281 9, 282 10, 284 24, 284 25, 285 2, 287 5, 287 11, 289 14, 292 5, 294.16 <b>there's</b> [58] - 6 9, 9 13, 10 6, 11 21, 12 13, 13 25, 25 5, 26 23, 29 13, 30 23, 30 25, 31 3, 38 16, 39 16, 40.14, 45 8, 46 18, 47.22, 47.23, 49 3, 49 6, 55 19, 56 20, 71 10, 71 11, 75 21, 77 17, 79 25, 85 24, 111.5, 112 8, 147 1, 148 16, 159 15, 174 1, 175 18, 190 5, 192 9, 193 15, 204 24, 206 13, 206 24, 216.7, 216 21, 222.14, 227 1, 244 23, 244 24, 258 3, 259 9, 261 1, 263 20, 264 14, 293 9, 293 10 <b>thereafter</b> [1] - 171 14 <b>therefore</b> [1] - 225 8 <b>these</b> [62] - 32 24, 38 23, 39 3, 42 14, 49 21, 51 2, 51 3, 51 5, 51 6, 51 10, 51 11, 51 14,</p>	<p>52 21, 53 2, 54 10, 54 23, 57 4, 57 9, 57 11, 59 7, 61.1, 61 3, 61 17, 62.13, 66 8, 67 20, 68 23, 72 1, 79 24, 81 17, 88 16, 88 17, 89.2, 96 5, 98.7, 99 5, 105:13, 138 3, 138 15, 146 21, 147 14, 149 17, 150 4, 153 16, 154 11, 155 10, 155 15, 155 22, 157 22, 158 12, 166 16, 173 1, 178 10, 192 13, 203.18, 220 12, 226 18, 230 17, 230 20, 275 24, 284 15 <b>they</b> [286] - 9 11, 10 1, 13 8, 13 10, 15 19, 15 20, 15 22, 15 24, 16.23, 16 24, 18.22, 19 7, 19 18, 19 19, 19 22, 19 23, 31 8, 38 13, 38 19, 39.11, 45 20, 45 23, 48 20, 49 24, 50 12, 53 3, 58 7, 58 8, 58 11, 58 12, 59 15, 59 16, 59 17, 59 19, 59.22, 60 3, 60 4, 60 5, 60 7, 60 8, 60 9, 60 10, 60 16, 60 17, 60.18, 60 20, 60 21, 60 22, 60 25, 61 3, 62 8, 62 13, 62 21, 62 25, 63 8, 64 2, 64.19, 65 10, 68 6, 71.1, 72 5, 80 4, 87 13, 89 8, 89 9, 90 3, 90 5, 92 2, 92 3, 95 19, 96 9, 96 10, 96 12, 96 23, 111.24, 111 25, 112 15, 112 16, 115 3, 115.4, 115 5, 115 22, 117 8,</p>
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<p>164 3, 164 14,          165 5, 165 12,          165 25, 166 21,          167 5, 167 24,          169 4, 171 13,          175 14, 175 24,          178 14, 180 24,          181 17, 181 24,          181 25, 183 18,          183 21, 185 10,          185 12, 186 15,          186 18, 187 2,          187 4, 187 5,          187 17, 187 23,          188 10, 189 17,          189 18, 190 1,          190 8, 190 11,          190 14, 191 2,          191 5, 191 8,          191 10, 191 18,          191 24, 191 25,          192 5, 192 8,          192 9, 192 12,          193 15, 194 7,          196 5, 196 8,          196 12, 198 8,          198 17, 199 13,          199 17, 200 15,          200 21, 201 1,          202 6, 202 18,          202 20, 203 3,          205 8, 205 19,          206 12, 207 16,          207 19, 207 21,          208 2, 209 12,          209 16, 210 4,          214 18, 216 13,          218 2, 218 8,          218 20, 219 20,          220 3, 220 15,          220 16, 220 25,          221 5, 221 16,          222 22, 222 24,          223 21, 224 10,          224 18, 225 17,          225 25, 226 3,          226 18, 227 3,          227 21, 228.2,          229 6, 229 21,          229 23, 230.3,          230 12, 230-21,          231 4, 231 6,          233 10, 237:6,          239 2, 240 23,          250 9, 251 22,</p>	<p>254 3, 254 22,          255 2, 255 17,          255 24, 256 12,          257 7, 257 9,          257 11, 257 18,          259 13, 259 19,          260 2, 261 20,          262 3, 262 5,          263 16, 264 17,          264 20, 265 18,          268 7, 268 8,          268 16, 269 9,          269 12, 269 19,          270 23, 278 4,          282 8, 283 9,          283 12, 284 15,          284 19, 288-2,          288 21, 289 1,          292 1, 292 9,          292 13, 294 17,          295 19, 295 24,          296 1, 296 23,          297 17, 298 7,          298 9, 298 24  <b>yours [i] - 120 10</b>  <b>yourself [5] - 116 21,</b>              200 20, 209 9,              220 24, 255 16  <b>Yup [1] - 191 3</b>  <b>yup [24] - 177 3,</b>              182 19, 182.22,              183 12, 184 7,              184 9, 191 19,              191 23, 193 18,              200 22, 207 4,              207 9, 207 13,              208 4, 211 1,              211 16, 219 15,              220 18, 224.16,              231 22, 252-1,              283 17, 290 14</p> <hr/> <p style="text-align: center;"><b>Z</b></p> <hr/> <p><b>Z [3] - 26 21, 165 7</b>  <b>zero [1] - 219 21</b></p>
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